

In the High Court of Judicature, Bombay.

Monday, the 13 day of Febry 1865.

SPECIAL APPEAL No. 806 of 1864.

Munassar Khan Mulud

Shahin Khan Deshmooke  
of the Konkan District  
(Original Plaintiff)

Appellant

versus

Hussun Khan Mulud Sabat Khan and  
Bawakhan Mulud Surja Khan and James  
Khan Yusuf Abdool Khan and Baloo Khan  
and Enoo Khan Mulud Sahab Khan & Ali Khan  
& Mahamood Khan Hamid Khan & Coo =  
= Jan. Ali Khan Mulud Jumal Khan & Mul =  
= Lumed Khan & Hajdur Khan Mulud Haj =  
= sum Khan & Ali Khan Mulud Bawakhan  
and Montjee Bepi Kaji Parachunder  
Ch. and Jessu Hashinath and Shimma  
off Baboorav deceased his son and =  
= heir Saibuk a minor by his mo =  
= ther and guardian Luximibai and  
= Huri Parachunder and Pandar =  
= rony Moresnow chande of the  
= Konkan District (Original De =  
= fendants)

Respondent

Rs. 07-14-00

The claim in the Original Suit was to

repeal the decree

of on payment of the amount of the  
mortgage of certain land mortgaged to the  
creditor of the Defendants

In Appeal No. 802 of 1864 the

Act Judge

of the District of the Konkan at  
the Decree of the Judge at Mahad who

had thrown out  
the claim

A Special Appeal was preferred in the High Court on the grounds that

there has

been a substantial error in law in the  
investigation of the case which has pro =

duced

= succeed error in the decision of the case on  
its merits in that

a The Assistant Judge did  
not take into consideration the  
defendants' admission contained in  
the answer filed in exhibit No. 22.

b The Assistant Judge while  
giving leave to the Appellant to  
institute a fresh suit, did not  
remand the case, whereby he is  
greatly prejudiced. -

The Court confirms  
the decree of the Assistant Judge  
with costs

R. Couch  
H. Weston,

J. Ward

MEMORANDUM OF COSTS incurred in Special Appeal No. 806.

of 1864. against the decision of the Assistant Judge of the District of the *Kanhan* and disposed of on the 13<sup>th</sup> February 1865 by *Confirming the same with costs*

BY THE APPELLANT—

IN THE DISTRICT.

In the <i>Mooniffs Court</i> —————	28	12	1		
In the <i>Assistant Judges Court</i> ———	16	8	7		
				45	48

IN THIS COURT.

Stamp for Memorandum of Special Appeal .....	8	"	"		
Stamps for copies of Decree and Judgment .....	3	"	"		
Stamp for Vukalutnama .....	2	"	"		
Stamp of an application to enter the name of the Appellant's heir .....		"	"		
Batta for Process and Postage .....	7	12	"		
Sectioner's Fee .....	2	10	6		
Vukeel's Fee .....	2	"	"	7	25
				71	14

Rupees.... 70 11 9

BY THE RESPONDENT—

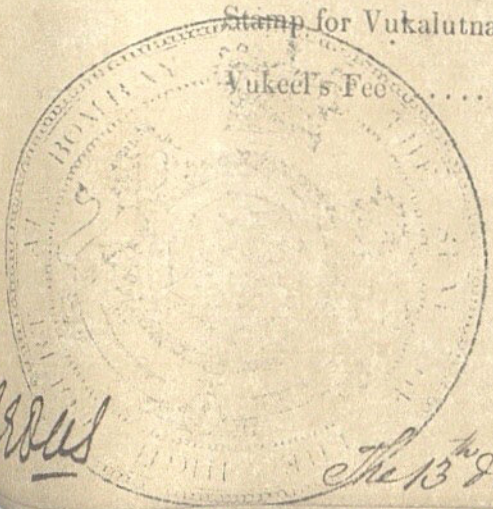
IN THE DISTRICT.

In the <i>Mooniffs Court</i> —————	10	9	3		
In the <i>Assistant Judges Court</i> ———	3	"	"		
				13	9

IN THIS COURT.

Stamp for Vukalutnama .....	2	"	"		
Vukeel's Fee .....	2	"	"	7	4
				14	10

Rupees.... 17 10 4



*[Signature]*

The 13<sup>th</sup> day of Feb<sup>y</sup> 1865.

*[Signature]*  
Registrar