

In the High Court of Judicature, Bombay.

This day, the 24 day of January 1865.

SPECIAL APPEAL No. 814 or 1864

Pandoo bin Gouind & Ragho bin
Trimbak & Vitor bin Bhoji Kaku
of the Ahmednagar District

Appellant

(Original Plaintiffs)

Baji Walad Vitor ^{versus} deceased
deceased, his son and her Saloo
bin Baji of the Ahmednagar
District.

Respondent

(Original Defendant.)

Rs. 75 - - -

The claim in the Original Suit was to

Obtain possession of a
Plot of ground and to remove the obstructions
caused by the Dept to the Plffs' building a house

In Appeal No. 97 of 1864 the
of the District of Ahmednagar II
the Decree of the Magistrate who

Judge
reversed
on a remand of the
case for trial had decreed for the plain

A Special Appeal was preferred in the High Court on the grounds that (1) a substan-

tial error in Law has occurred in the investigation
of the case, which has produced error in the decision
of the case upon its merits in that the former
Judge having in cases 315 of 1861, respectively

admitted (held) the deed No. 3, ^{to be genuine & valid} and the documents
(on the strength of which) the Respondent urged
his rights to be ~~granted~~ ^{enforced},
the very Court (i.e. the present judge) was in-
competent by Law to reject the former i.e. the
deed No. 3 and yet it (he) has committed the
error of doing the same; and that (2) the
former judge admitting the appellants claim
remanded the case in order that the Moosiff
may determine the area, i.e. how much of the
land should be allotted and the Moosiff
having done so, it was an error to admit (to lay
down) the Respondents pleas (points) which were
were now rejected.

The Court proposes the
decrees of the Court below and remands
the cases for trial wherein the First
Judge will have regard to the facts
as found in the previous appeal
and pass a new decree upon the
merits. Costs to follow the final decree.

R. Coak
H. Weston.

A. M. Warden

MEMORANDUM OF COSTS incurred in Special Appeal No. 814

of 186 4 against the decision of the Judge — of the District of Ahmednagar and disposed of on the 24th January 1865 by reversing & remanding the ~~the~~ same for retrial

IN THIS COURT.

BY THE APPELLANT—

Stamps for copies of Decree and Judgment	3	..	..	✓
Stamp for ² Vukeelutnama	4	..	..	✓
Batta for Process and Postage	1	11	..	✓
Sectioner's Fee	2	..	3	✓
Vukeel's Fee one-fourth .....	..	9	..	✓
			11 4 3	✓
Rupees			11 4 3	✓

BY THE RESPONDENT—

Stamp for Vukeelutnama	2	..	..	✓
Vukeel's Fee one-fourth .....	..	9	..	✓
			2 9 ..	✓
Rupees			2 9 ..	✓



W. J. ...

W. J. ...
Registrar

For Seales

The 24th day of January 1865

Issued a certificate on Her Majesty's Treasury
Bank of Bombay for the refund of Rs (8) eight
being the value of stamp used for special appeal
in this case

Dated the 24th day of January 1856,

[Signature]
Registrar

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Certificate given to the Bank