

In the High Court of Judicature, Bombay.

Monday, the 8 day of June 1865

SPECIAL APPEAL No. 815 OF 1864.

Sudashiv Naik bin Dhondoba Naik of the Rutnagiri Division of the Konkan District (Original Plaintiff)

Appellant

versus

Bhugwuntrao bin Ramchandrao and Jaysingrao bin Khunderao and Jivajirao bin Doulutras and Anundras bin Doulutras of the Rutnagiri Division of the Konkan District (Original Defendants)

Respondent

Rs. 47-13-5

The claim in the Original Suit was to

obtain possession of certain lands mortgaged to the said Bhugwuntrao and latter & subsequently redeemed, but now withheld by Jyasing & the other defendants

In Appeal No. 114 of 1863 the of the District of the Decree of the

the Konkan at Rutnagiri by Senior Judge who had thrown out the claim by decreeing that Jyasing should pay the amount of rent and maintain in possession as cultivator of the land in dispute

A Special Appeal was preferred in the High Court on the grounds that (1) the decision

of the Senior Assistant Judge is contrary to law in that he held that the mortgage deed contained a clause setting forth that Jaysingrao was previously one

one of the joint tenants; the same not being the
case, and that (2) there has been a substantial error
in law in the procedure of the case and which has
produced error in the decision of the case on its
merits in that there is no legal evidence in the case
to show that Jayashingrao has been a cultivator of
the land in dispute at the time of the mortgage

The Court enjoin
the decree of the Court below with
Costs

R Couch
H. Cotton.

MEMORANDUM OF COSTS incurred in Special Appeal No. 816
of 1864 against the decision of the *Acting Senior Assistant Judge* of the
District of *the Konkun* and disposed of on the 8th June 1865
by *confirming the same*

BY THE APPELLANT—

<i>In the District.</i>				
In the <i>Sadar Amien's Court</i> —	12 3 11	✓		
(including V. Fee)				
In the <i>Senior Assistant Judge's Court</i> —	16 3 8	✓		
			28	7 7 ✓
<i>In this Court.</i>				
Stamp for Memorandum of Special Appeal	4 " "	✓		
Stamps for copies of Decree and Judgment	3 " "	✓		
Stamp for Vukeelutnama	2 " "	✓		
Batta for Process and Postage	1 12 "	✓		
Sectioner's Fee	1 " "	✓		
Vukeel's Fee	1 6 11	✓		
			13	2 11 ✓
Rupees....			41	10 6 ✓

BY THE RESPONDENT.

<i>In the District.</i>				
In the <i>Sadar Amien's Court</i> —	8 3 5	✓		
In the <i>Senior Assistant Judge's Court</i>	4 4 8	✓		
			12	8 1 ✓
<i>In this Court.</i>				
Stamp for Vukeelutnama	" " "			
Vukeel's Fee	" " "			
			"	" "
Rupees....			12	8 1 ✓



W. D. D.
Sealer

West
Registrar

The 8th day of June 1865.