

In the High Court of Judicature, Bombay.

Wednesday, the 8<sup>th</sup> day of July 1865.

SPECIAL APPEAL No. - 818 - of 1864.

Shivairi Radhakisari  
Maswadi of the Shandesh  
District — (Original Defendant)

Appellant

<sup>versus</sup>  
Bhuvanirani Ghashirani  
deceased, his son and heir  
Shambhal of the Shandesh  
District — (Original Plaintiff)

Respondent

Rs. 3000-11-11

The claim in the Original Suit was to recover the value of goods sent for sale by the Plaintiff to the agent of the Defendant. Defendant the said agency

In Appeal No. 56 of 1864 the Acting Judge of the District of Shandesh at Sholli pronounced the Decree of the said Sholli who had thrown out the claims and decreed for the plaintiff for the amount sought

A Special Appeal was preferred in the High Court on the grounds that the decision of the Acting District Judge is contrary

trary to Law in that,

(a) There is no legal evidence in the case to show that Melchand (alias Melji) was such an agent of the Special Appellant as according to the usage of merchants would make his dealings with the Special Respondent binding on the Special Appellant.

(b) The Lower Court's decree is opposed to the custom of merchants which requires a special authority to entering into such transactions.

The Court reverses the decree of the Court below and remands the cause for retrial and a new decree upon the merits to follow the first decision.

R. Cochrane

A. M. Ward

MEMORANDUM OF COSTS incurred in Special Appeal No. 818

of 186 <sup>to</sup> against the decision of the Acting Judge — of the District of Khairat and disposed of on the 8 February 1865 by remanding the same for retrial.

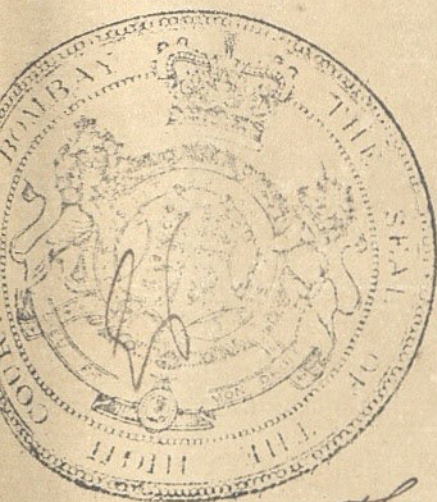
IN THIS COURT.

BY THE APPELLANT—

|  |    |    |    |        |       |
|--|----|----|----|--------|-------|
| Stamps for copies of Decree and Judgment ..... | 3  | 8  | .. |        |       |
| <sup>two</sup> Stamp for Vukeelutnama .....    | 4  | .. | .. |        |       |
| Batta for Process and Postage .....            | 2  | 10 | .. |        |       |
| Sectioner's Fee .....                          | 1  | 7  | 9  |        |       |
| Vukeel's Fee one-fourth .....                  | 20 | .. | .. |        |       |
|  |    |    |    | 31     | 99    |
|  |    |    |    | Rupees | 31 99 |

BY THE RESPONDENT—

|                               |    |    |    |        |       |
|-------------------------------|----|----|----|--------|-------|
| Stamp for Vukeelutnama .....  | 2  | .. | .. |        |       |
| Vukeel's Fee one-fourth ..... | 20 | .. | .. |        |       |
|                               |    |    |    | 22     | ..    |
|                               |    |    |    | Rupees | 22 .. |



*W. H. Seal*  
*R. M. Registrar*  
 The 8<sup>th</sup> day of February 1865.

