

In the High Court of Judicature, Bombay.

Monday, the 8 day of June 1865

SPECIAL APPEAL No. 821 OF 1865.

Sabaji Vataji Hoobul of the
Rutnagiri Division of the
Northern District
(Original Plaintiff)

Appellant

versus

Vishnoo Saje Kamat of the
Rutnagiri Division of the
Northern District
(Original Defendant)

Respondent

Rs. 33 - 8 - 4

The claim in the Original Suit was to

raise an attachment

laid upon certain thikans by Vishnoo as the
property of his judgment debtor Nittoo Kooval, they
being really the property of the Puff Labajin

In Appeal No. 178 of 1862 the

Jur a Judge
Rutnagiri confirmed

of the District of Northam at
the Decree of the Muz at Malwan who

had thrown out

the claim.

the decision of the ^{the} ap^{peal} judge is
contrary to law.

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

(1) in that

the Assistant ^{he} judge has entirely mis-
constructed the document of 1855 in
holding that it proves that up to that
year

years no division of the real property
of the family had taken place ~~that~~
(2) ~~in that~~ ^{the} Assistant Judge
has erroneously held contrary
to ~~the~~ Windows Law that the other
members of appellants family because
they were not separated from Appellant
were entitled to a share in the property
in dispute albeit appellant has shewn
in this case that it was his self acquired
property. that (3) the Assistant Judge
has failed to decide whether the
property in question was Appellants
self acquired property or not, this
being a material issue for decision
in the case. and that (4) the ^{Judge} Assistant
Judge has failed to decide whether
Respondents decree was a collusive
one or not, this being a material
issue for decision in the case

By
The Agent
Confirms the decree of the Senior
Assistant Judge with costs

R. Couch
H. Elliott

MEMORANDUM OF COSTS incurred in Special Appeal No. 821

of 1864 against the decision of the Senior Assistant Judge of the District of the Konkan and disposed of on the 8th day of June 1865 by confirming the same

BY THE APPELLANT—

In the District.				
In the	Mousiffi Court (including Sulkhi Fee)	24	5	8
In the	Senior Assistant Judge's Court	6	14	1
				31 3 9
In this Court.				
Stamp for Memorandum of Special Appeal	....	4	"	"
Stamps for copies of Decree and Judgment	....	2	8	"
Stamps for ^{two} Vukeelutnamas	.....	4	"	"
Batta for Process and Postage	.....	1	2	"
Sectioner's Fee	.....	1	6	"
Vukeel's Fee	.....	1	"	1
				14 " 1
				Rupees.... 45 3 10

BY THE RESPONDENT.

In the District.				
In the	Mousiffi Court	10	8	7
In the	Senior Assistant Judge's Court	3	5	1
				13 13 8
In this Court.				
Stamps for ^{two} Vukeelutnamas	.....	4	"	"
Vukeel's Fee	.....	1	"	1
				5 " 1
				Rupees.... 18 13 9



W. J. J. J.
 Senter

P. West
 Registrar

8th day of June 1865.