

In the High Court of Judicature, Bombay.

Thursday, the 19th day of January 1865.

SPECIAL APPEAL No. 822 of 1864

Khandoo Walud Krishnaji Patil
Salluff Wanjari of the Ahmed-
nagar District

Appellant

(Original Defendant)

versus

Bhagooji Walud Gangaji and
Gangaji Walud Bapooji Patil
Salluff of the Ahmednagar
District.

Respondents.

(Original Plaintiffs)

Rs. 52-10-10

The claim in the Original Suit was to recover a share of two-thirds
of 5 fields.

In Appeal No. 101 of 1864 the Judge
of the District of Ahmednagar at Ahmednagar confirmed
the Decree of the Juff. of Ahmednagar who had awarded the claim.

A Special Appeal was preferred in the High Court on the grounds that (1) the decision of
the District Judge is contrary to the admissions of
Plaintiffs recorded as nos 7 and 8 made in the
course of the present suit; that (2) separation
and

and partition being admitted to have taken place
it was not competent to the District Judge to
find the reverse; that (3) the District Judge ex-
cessively assumes that the parole evidence
in this case applies to two fields only, whereas
it applies to all the fields in the case; that
(4) the District Judge has laid the onus of
proof on the wrong party, namely appellant;
and that (5) the District Judge has awarded
for respondents, tho it is proved that a parti-
tion was made, and the fields the subject
of the present claim were allotted to appellant.

The Court reverses the decree of the District
Judge and the Prothonary, and throws out
Plaintiff's claim.

Costs on Special Respondent throughout.

Abraham Forbes,

H. P. Tucker

MEMORANDUM OF COSTS incurred in Special Appeal No. 822

of 1864 against the decision of the Judge of the District of Ahmednagar and disposed of on the 19th January 1865 by reversing the Decrees of the Judge & the Moonsiff and throwing out Plaintiff's Claim. Costs on App. Respondent throughout.

BY THE APPELLANT—

IN THE DISTRICT.

In the Moonsiff's Court	7	15	1	✓		
In the Judge's D ^c (including Vakeel's Fee)	8	5	1	✓		
			16	4	2	✓

IN THIS COURT.

Stamp for Memorandum of Special Appeal	4	0	0	✓		
Stamps for copies of Decree and Judgment	3	8	0	✓		
Stamp for Vukalutnama	2	0	0	✓		
Stamp of an application to enter the name of the Appellant's heir						
Batta for Process and Postage	1	10	0	✓		
Sectioner's Fee	1	2	9	✓		
Vukeel's Fee	1	9	1	✓		
			13	13	10	✓

Rupees.... 30 2 0 ✓

BY THE RESPONDENTS

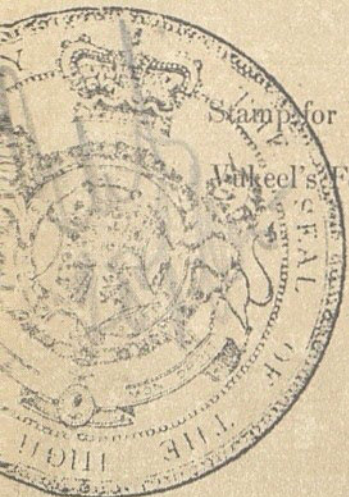
IN THE DISTRICT.

In the Moonsiff's Court	12	8	1	✓		
In the Judge's D ^c	2	9	1	✓		
			15	1	2	✓

IN THIS COURT.

Stamp for Vukalutnama	2	0	0	✓		
Vukeel's Fee	1	9	1	✓		
			3	9	1	✓

Rupees.... 18 10 3 ✓



[Handwritten signatures]

The 19th day of January 1865. Registrar