

In the High Court of Judicature, Bombay.

Monday, the 23 day of January 1865

SPECIAL APPEAL No. 230 OF 1864

Gunputao Vreshwarjee  
and Narayan Ramchunder  
Proprietors of the Kankur Dis-  
trict

Appellant &

(Original Plaintiffs)

Abalsabai widow <sup>versus</sup> of Khundappa  
Morapa Goolwe, and Appa Khun-  
dappa Goolwe both deceased  
their heir Bhagoowidow of  
Appa Khundappa Goolwe and  
managed by the Khundappa  
Goolwe of the Kankur District

Respondent &

(Original Defendants)

Rs. 684-0-0

The claim in the Original Suit was to recover possession of a house and a year's rent of the same in fulfillment of the terms of a ~~deed~~ deed of conditional sale passed by the plaintiffs by the Dist. Appis in their Madan <sup>case</sup>

In Appeal No. 206 of 1864 the Judge of the District of the Kankur at <sup>Samra</sup> Samra pronounced the Decree of the <sup>Magistrate</sup> Magistrate who had decreed payment of the amount due under the deed from the trustee estate of the deceased <sup>Mulsoobai</sup> Mulsoobai and Aya

A Special Appeal was preferred in the High Court on the grounds that (1) Substantial errors in law in the investigation of the case have been made which have produced error in the decision of the case upon its merits

in that the <sup>District</sup> judge was in error in con-  
sidering the order of the High Court passed  
in a miscellaneous petition regarding  
the grant of a certificate as binding upon  
the parties to this suit <sup>that</sup> (2) the District  
Judge has departed from the provision  
of the Hindu Law in holding that  
the adoption of Afa by Mahalsabae  
was not a legal adoption that (3) the  
District judge was in error in holding  
that neither Afa nor Mahalsabae  
were competent to execute the deed  
N<sup>o</sup> 3 that (4) the adoption of Wittoba  
is illegal and contrary to Shastras  
and that (5) the District judge was  
in error in not determining in this  
suit the question raised by the ap-  
pellants viz that the adoption of  
Wittoba was invalid and contrary  
to the Shastras.

Reverse the decrees of the Court  
below and remand this cause  
for trial and a new decree  
upon the merits

R. Couch  
J. Newton.

A. W. Marden

MEMORANDUM OF COSTS incurred in Special Appeal No. 830

of 186 4 against the decision of the Judge                      of the  
*Tanna*  
 District of *the Ronkumat* and disposed of on the 23<sup>rd</sup> January 1865  
 by reversing & remanding the same for retrial.

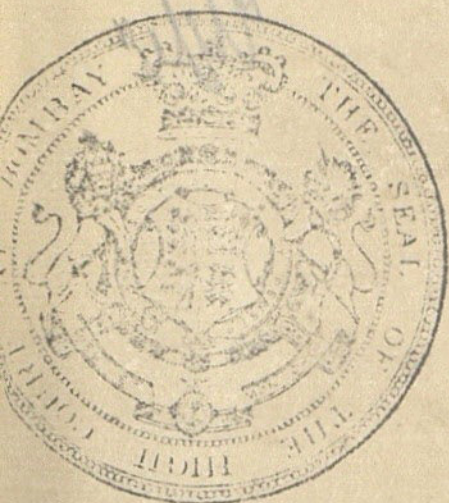
IN THIS COURT.

BY THE APPELLANT—

Stamps for copies of Decree and Judgment .....	3	a	✓
Stamp for <sup>2</sup> Vukeelutnama .....	4	a	✓
Batta for Process and Postage .....	3	14	✓
Sectioner's Fee .....	2	106	✓
Vukeel's Fee one-fourth .....	5	21	✓
		17 13 7	✓
Rupees .....		17 13 7	✓

BY THE RESPONDENT—

Stamp for Vukeelutnama .....	2	a	✓
Vukeel's Fee one-fourth .....	5	21	✓
		7 21	✓
Rupees .....		7 21	✓



*W. J. J. J.*  
 Assistant Registrar

*W. J. J. J.*  
 Sir Sealer

The 23<sup>rd</sup> day of January 1865

Issued a certificate on Her Majesty's Treasury  
Bank of Bombay for the refund of Rs thirty two  
being the value of the stamp used for special  
Appeal in this case.

23<sup>rd</sup> January 1865

*[Signature]*

1<sup>st</sup> Asst. Registrar.

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