

In the High Court of Judicature, Bombay.

Now day, the 13th day of July 1865.

SPECIAL APPEAL No. 833 of 1864.

Honaji Wulud Bapaji

Wanway of the Poona Dis-

trict (Original Plaintiff)

Appellant

versus

Bapur Wulud Kondaji

Jadhuw of the Poona Dis-

trict (Original Defendant)

Respondent

Rs. 31-11-11

The claim in the Original Suit was to

establish the Plff's title

to certain property attached by the Dept
in execution of a decree of the Court against a third
party

In Appeal No. 163 of 1864

the AG Judge

of the District of Poona

the Decree of the Dist Judge

who had thrown out

the claim as not maintainable against the
Dept.

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

the decision

of the sitting Judge is contrary to

law

law in that the Plaintiff (the Appel-
-tant abovesaid) has a right to insti-
-tute a suit against the Defendant un-
-der the provisions of section 246 of the
Civil Procedure Code -

by ^{RW} ~~the~~ joint ~~plaintiff~~ ^{and} ~~defendant~~

the ^{of} Judge ^{has} been wrong
in holding that the suit could
be maintained against the Respon-
-dents his heirs and assigns
in case for return, wherein the
of the property at the execution date
should ^{be} made a defendant, and
for a new decree upon the merits.
Costs to follow the final decision

R. Couch
H. Weston
A. Marden

Report
1872

MEMORANDUM OF COSTS incurred in Special Appeal No. 833

of 1864 against the decision of the Acting Judge of the District of Poona and disposed of on the 13th February 1865 by remanding the same for retrial.

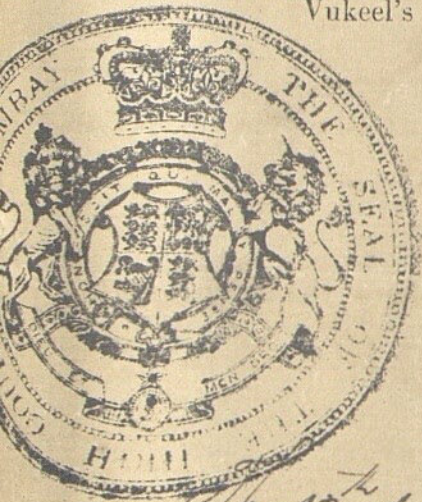
IN THIS COURT.

BY THE APPELLANT—

Stamps for copies of Decree and Judgment	3	"	"
Stamp for Vukeelutnama	2	"	"
Batta for Process and Postage	1	12	"
Sectioner's Fee	"	14	8
Vukeel's Fee one-fourth	"	3	9
			7 14 ..
			Rupees ... 7 14 ..

BY THE RESPONDENT—

Stamp for Vukeelutnama	2	"	"
Vukeel's Fee one-fourth	"	3	9
			2 3 9
			Rupees.... 2 3 9



W. J. ...
 Soter
 The 13th day of January 1865.

A. West
 Registrar

Issued a certificate on Her Majesty's Treasury
the Bank of Bombay for the refund of Paper (2)
tax only being the value of stamp used for special
appeal in this case

Dated the 13th February 1868

West
Registrar.

W. M.

Carbide...

