

In the High Court of Judicature, Bombay.

Now day, the *23* day of *Jan'y* 1865.

SPECIAL APPEAL No. *835* OF 1864.

Naro Bakhaji Bhagwant,
deceased, by his son and
heir *Purhanath of the*
Putnagiri (Division of
the *Souras District*)

(Original Plaintiff)

Appellant,

versus

Mooling his Heir
Jungun of the Putna-
giri (Division of the *Sou-*
ras District)

(Original Defendant)

Respondent,

Rs. *150*—*11*—*11*

The claim in the Original Suit was to

recover certain plot of
ground alleged to have been snatched by the Deft
from the Plff and the suit of which Deft now
argued to stay

In Appeal No. *441* of 1864 the
of the District of *Souras* at
the Decree of the *Muz. Diplooa* who

by a Judge
Putnagiri *reversed*
had awarded judgment
in favor of the restoration of the land

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

of the Senior Assistant Judge is con-

trary

trary to Law, in that,

1 The disputed land being & held to come within the boundaries specified in the Deed, the onus of further proving the first issue should not have been thrown on the Special Appellant.

(2) The construction put upon the Deed (N^o 35) is opposed to Law.

(3) There is no legal evidence to support the Lower Court's finding on the second issue.

In Point Confirmed
The decree of the Superior Judge
with costs

R Couch

J Newm.

D D Marden

MEMORANDUM OF COSTS incurred in Special Appeal No. 835.

of 186 4 against the decision of the Senior Assistant Judge of the District of the Konkan at ^{Puduchery} and disposed of on the 23rd January 1865 by confirming the same with costs.

BY THE APPELLANT—

In the District.			
In the Mousiff's Court	22	14	0 ✓
In the Senior Apt. Judge's D ^o	5	"	" ✓
In this Court.			27 14 0 ✓
Stamp for Memorandum of Special Appeal	8	"	" ✓
Stamps for copies of Decree and Judgment	3	"	" ✓
Stamp for Vukeelutnama	2	"	" ✓
Batta for Process and Postage	1	8	" ✓
Sectioner's Fee	1	4	3 ✓
Vukeel's Fee	4	8	" ✓
			20 4 3 ✓
		Rupees....	48 2 3 ✓

BY THE RESPONDENT.

In the District.			
In the Mousiff's Court	10	10	0 ✓
In the Senior Apt. Judge's D ^o	14	13	9 ✓
In this Court.			25 7 9 ✓
Stamp for Vukeelutnama	2	"	" ✓
Vukeel's Fee	4	8	" ✓
			6 8 0 ✓
		Rupees....	31 15 9 ✓



[Signature]
 Trust Registrar

[Signature]
 For Sealer

The 23rd day of January 1865.