

In the High Court of Judicature, Bombay.

Fri day, the 29th day of April 1864.

SPECIAL APPEAL No. 84 OF 1864.

Lukshmun Salvi bin Bal Salvi
of the Putnagiri Division of the Konkan District

Appellant

(Original Plaintiff)

versus

Damodar Papooji Atowlay
and Lukshmun Shivram Atowlay
minor by his guardian and mother
Comabai widow of Shivram Papooji
and Wassooden Papooji Atowlay of the
Putnagiri Division of the Konkan District

Respondents

(Original Defendants)

Rs. 106. — 8 — "

The claim in the Original Suit was to redeem $\frac{1}{4}$ of a
Rhatie village mortgaged to
Deft's grandfather.

261

In Cross Appeals Nos 269 of 1862 the A. Sen. Assist. Judge
of the District of Konkan at the detached station
the Decree of the Juff of Clapton who had awarded re-
demption on payment of Rs 1084 and
awarded redemption on payment
of Rs 2032-3-1.

A Special Appeal was preferred in the High Court on the grounds that the decision
of the Acting Senior Assistant Judge, appealed against
was as follows:— that the decision is opposed
to law in that the Senior Assistant Judge
has

has departed from Hindu law in award-
ing interest beyond the Principal (see special
appeal N^o 467 of 1861. - (2)) that all his evidence is
not taken.

The Court reverse the
decree of the Acting Senior Assistant
Judge and remand the case
that he may take an account
of the principal ^{sums acknowledged} of the deeds Nos
6, 7, and 10 and also of interest
for six years at the rate agreed
on on such portions of the
principal as bore interest and
further of interest at the same
rate on the whole of the principal
acknowledged in the deeds specified,
from the filing of the suit to
the time of taking the account,
and the amount deducted
from the total which may
be found due on account
of principal and interest
as above.

The Court below to pass
a decree for redemption on
payment of the balance
within six months from the
date of the decree with
interest at nine per cent
per annum.

and
an ac
may be
of real
profits
the pla
the suit
the tax
taking
accru

The Bill unless he
 pays within the time specified
 to be foreclosed.

Costs of appeal No
 269 in the lower Court and
 of the Special Appeal to
 be borne by the original
 Deft. Darius Abner.

H. Weston.

J. H. M. Fisher

Bill of costs

In this Court

By the Appellant

Stamps for Copies of Decree & Judgment	3	
Stamp for Vukalutuanua	2	..
Bill for Process and Postage	2	12..
Sectioner's Fee	1	8.3
Vukuel's fee one fourth.	"	12.9
		<u>10.1..</u>
		Pulpees 10 1..

By the Respondent

Stamp for Vukalutuanua	2	..
Vukuel's fee one fourth.	"	12.9
		<u>2.12.9</u>
		Pulpees 2 12.9



West
 Registrar.

West
 Sealer.

The 29th April 1864.

I send a Certificate on her Majesty's
Treasury Bank of Bombay for the re-
fund of Rupees Eight (8) being the
value of the Stamp used for the Special appeal
in this case

Received
30/4
To be trans-
lated
30/4
4/5

29th April 1864

R. West
Registrar

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1864