

In the High Court of Judicature, Bombay.

Wednesday, the 18<sup>th</sup> day of January 1865.

SPECIAL APPEAL No. 848 OF 1864.

Hussain Wulud Budarke of  
the Ahmednagar District. } Appellant

(Original Plaintiff.)

versus

Ahmed Wulud Shausabhai  
of the Ahmednagar District. } Respondent

(Original Defendant.)

Rs. 25-0-0.

The claim in the Original Suit was to recover possession of a plot  
of land in the town of Jetha, which Defendant  
had wrongfully occupied by building a house  
thereon.

In Appeal No. 173 of 1864 the Judge  
of the District of Ahmednagar at Ahmednagar confirmed  
the Decree of the Juff. of Jetha who had thrown out the claim.

A Special Appeal was preferred in the High Court on the ground that there has been  
a substantial error in Law in the investiga-  
-tion of the case producing an error in the decision  
of the case upon its merits in that,

(a) The Court below gave no effect to the un-  
- ledars finding (whereby the brother of the  
opposite party was fined) produced in evidence  
to show that the possession of the opposite party  
was not uninterrupted, during the last 20  
years.

(b) The decree framed on issue as to 20  
years possession of the opposite party, and  
in consequence thereof the appellants con-  
- deuce to bring the suit within 12 years  
limitation was excluded.

The Court conforms the decree of the  
District Judge.

Costs on Special Appellant.

Abinloch Forbes,  
Att. by Deeds,

MEMORANDUM OF COSTS incurred in Special Appeal No. 848

of 1864 against the decision of the Judge \_\_\_\_\_ of the District of Ahmednagar and disposed of on the 18<sup>th</sup> January 1865.

by

BY THE APPELLANT—

In the District.					
In the Munsiff's Court (including Vukeel's Fee)	38	29	✓		
In the Judge's D <sup>o</sup> (including Vukeel's Fee)	3	10	✓		
In this Court.				11	12 9 ✓
Stamp for Memorandum of Special Appeal	2	"	✓		
Stamps for copies of Decree and Judgment	3	"	✓		
Stamp for Vukeelutnama	2	"	✓		
Batta for Process and Postage	1	6	✓		
Sectioner's Fee	1	6	✓		
Vukeel's Fee	"	12	✓	10	8 " ✓
				Rupees....	22 4 9 ✓

BY THE RESPONDENT.

In the District.					
In the Munsiff's Court	3	2	✓		
In the Judge's D <sup>o</sup>	1	12	✓		
In this Court.				4	14 " ✓
Stamp for Vukeelutnama	2	"	✓		
Vukeel's Fee	"	12	✓	2	12 " ✓
				Rupees....	7 10 " ✓



*H. J. J.*  
1<sup>st</sup> Assistant Registrar

*H. J. J.*  
For Sealer  
The 18<sup>th</sup> day of January 1865