

Poona

In the High Court of Judicature, Bombay.

Monday, the 30th day of January 1865.

SPECIAL APPEAL No. 857 — OF 1864

Devas bin Bajirao Katay Deshmooch and
Yadurao bin Devas deceased his son & heir
Bunajiram of the Poona District
(Original Defendants) } Appellant

versus

Mahadowrao bin Morajee Katay
Deshmooch of the Poona District
(Original Plaintiff) } Respondent

Rs. 567 —

The claim in the Original Suit was to obtain a share of some an-
cestral land and of Deshmoochee
Kutumba

In Appeal No. 121 of 1863 the Judge
of the District of Poona at Poona
the Decree of the Dist. Judge who had awarded the claim.

A Special Appeal was preferred in the High Court on the ground that (A) the decision of the
District Judge is contrary to law

(a) In that the Judge erred in awarding Respon-
dent Mahadowrao's claim against appellants, his
address

redress being by action against Govindras

(b) In that the Judge has decided contrary to the provisions of Act XI of 1843 in making no provision for the fit maintenance of Appellants, who are the officiating hereditary officers.

(c) In that the Judge has decided contrary to the provisions of Act XI of 1843 in decreeing a division of the land appertaining to the Wuttun in question.

(d) In that the Judge has erred in holding that the decree No 12 does not affect Respondent Mahadov-ras rights.

That (2) there has been a substantial error in law in the investigation of the case which has produced an error in the decision of the case on its merits in that

(a) The District Judge has omitted to determine a material point at issue between the parties which is: - Has it been the custom in the Wuttun in question, for the sharer who performs service to enjoy the proceeds of ~~the~~ same, as alleged by Appellant or not?

The Court confirms the decree of the District Judge.

Costs on Special Appellant.

R. Couch
Clerk

MEMORANDUM OF COSTS incurred in Special Appeal No. 857.

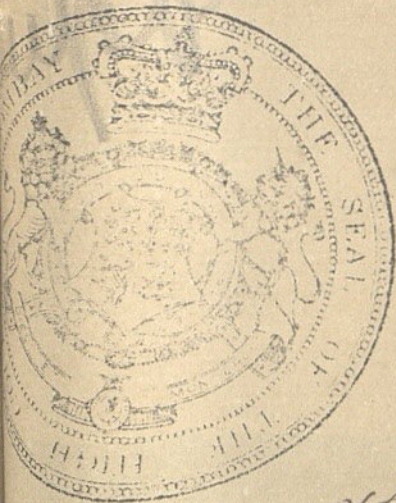
of 1864 against the decision of the Judge — of the District of *Poocra* and disposed of on the 30th January 1865 by confirming the same.

BY THE APPELLANT—

<i>In the District.</i>				
In the <i>Moonseiff's Court (including Vukeel's fee)</i>	21	2		✓
In the <i>Judge's Court</i>	52	14	2	✓
<i>In this Court.</i>			73	14
Stamp for Memorandum of Special Appeal	32	"	"	✓
Stamps for copies of Decree and Judgment	3	"	"	✓
Stamp for Vukeelutnama	2	"	"	✓
Batta for Process and Postage	2	"	"	✓
Sectioner's Fee	1	"	"	✓
Vukeel's Fee	17	"	2	✓
			57	2
			Rupees	130
				14
				6

BY THE RESPONDENT.

<i>In the District.</i>				
In the <i>Moonseiff's Court</i>	80	"	5	✓
In the <i>Judge's Do</i>	18	"	2	✓
<i>In this Court.</i>			98	"
Stamp for Vukeelutnama	2	"	"	✓
Vukeel's Fee	17	"	2	✓
			19	"
			Rupees	117
				9



W. J. J. J.
For Sealer

R. West
Registrar

The 30th day of January 1865.