

In the High Court of Judicature, Bombay.

Friday, the 3rd day of June 1865.

SPECIAL APPEAL No. 857 of 1864.

Munaji bin Vayia Patil
of the Satara District

Appellant

(Original Plaintiff)

versus

Suntos bin Baloo Mali,
and Kooshya and Esoo and
Nathaji bin Nana Mali of the
Satara District (Original Defendants)

Respondents,

Rs. 28-12-5-

The claim in the Original Suit was to recover possession of some Govern^t. land, the term for which it was leased as *Defti* having expired.

In Appeal No. 155 of 1864 the Judge of the District of *Satara* at *Satara* pronounced the Decree of the *Juff. Khuroo* who had thrown out the claim.

A Special Appeal was preferred in the High Court on the grounds that there has been an error in the investigation of the case which has produced error in the decision of the case upon its merits.

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(a) In that the Court below is in error in holding that a mere entry in the Survey Books, of land in Sutor's name, constitutes absolute right of ownership.

(b) That it was necessary for the due adjudication of the Plaintiff's right to raise a point of issue as to who had the proprietary right to the land as contra distinguished from mere possession right, which the Court below has omitted to raise.

The Court confirms the decree of the District Judge.

Costs in Special Appellant.

R Couch

A M Ward

MEMORANDUM OF COSTS incurred in Special Appeal No. 857

of 186 4 against the decision of the Judge _____ of the District of Satara and disposed of on the 3rd March 1865 by confirming the same with costs.

BY THE APPELLANT—

In the District.

In the Moonsiff Court (including V.F.)	13. 9. 8	✓	
In the Judge's Court	6. 1. 3	✓	
			19. 10. 11 ✓

In this Court.

Stamp for Memorandum of Special Appeal	2	" "	✓	
Stamps for copies of Decree and Judgment	2	" "	✓	
Stamp for Vukeelutnama	2	" "	✓	
Batta for Process and Postage	2.	5	"	✓
Sectioner's Fee	1.	12	"	✓
Vukeel's Fee	"	13. 9	✓	
				10. 14. 9 ✓
Rupees....				30. 9. 8 ✓

BY THE RESPONDENTS

In the District.

In the Moonsiff's Court	11.	3. 6	✓	
In the Judge's Court	1.	13. 9	✓	
				13. 1. 3 ✓

In this Court.

Stamp for Vukeelutnama	2	" "	✓	
Vukeel's Fee	"	13. 9	✓	
				2. 13. 9 ✓
Rupees....				15. 15. ✓



Therese
Sealer

R. West
Registrar

The 3rd day of March 1865.