

In the High Court of Judicature, Bombay.

Thursday, the 26th day of January 1865.

SPECIAL APPEAL No. 859 of 1864.

Sudashiv Chitko Devasthali Khol
and Inamdar of the Putnagiri Division
of the Konkan District ———— } Appellant,
(Original Defendant.)

versus

Shikaji Bulvant Devasthali
of the Putnagiri Division of the
Konkan District ———— } Respondent
(Original Plaintiff.)

Rs. 200-0-0

The claim in the Original Suit was to recover on a mortgage bond.

In Appeal No. 44 of 1864 the Senior Assistant Judge
of the District of the Konkan at the detached station of Putnagiri confirmed
the Decree of the Magistrate of Chiploon who had awarded the claim to
the extent of Rs 200 only, by awarding Rs 200 with interest
at 12 per cent from date of the writ to date of final judgment.

A Special Appeal was preferred in the High Court on the grounds that (1) the decision
of the Senior Assistant Judge is contrary to law,
in that interest for more than six years has
been awarded erroneously: that (2) a sub-
stantial error in law has occurred in the
investigation

investigation of the case, which has produced
an error in the decision of the case on its
merits in that, the property being in the Res-
pondent's possession under the agreement
No. 3 and he also having received its
income, he had no right to demand interest
from the Appellant contrary to the terms
of the agreement where as interest was award-
ed erroneously; that (3) according to the
terms of the agreement the Respondent cannot
claim to recover the money from the Appellant
otherwise than from the property and
therefore it was an error to have given a
decree against the Appellant personally;
The Court confirms the decree of the Sen.
Assist. Judge.

Costs on Special Appellant.

Atmuloch Forbes
H.P.H. Forbes

MEMORANDUM OF COSTS incurred in Special Appeal No. 859

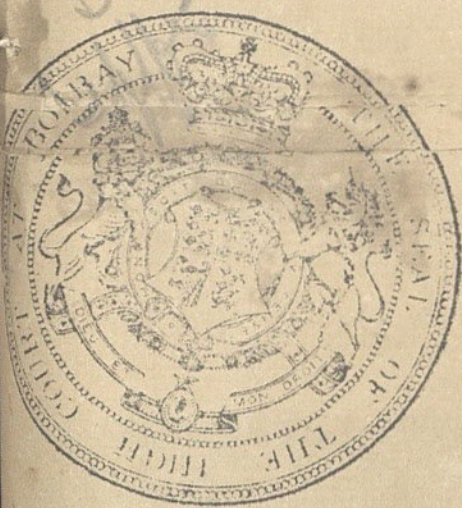
of 186 4 against the decision of the Senior Apt. Judge of the District of the Konkan at ^{Pentnagire} and disposed of on the 26th January 1865, by confirming the same with costs on Special Appellant.

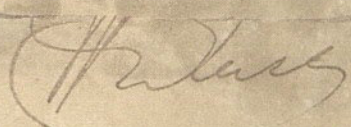
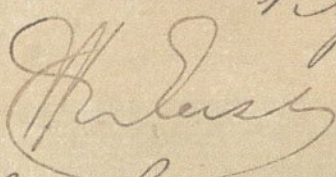
BY THE APPELLANT—

In the District.				
In the Moonsiff's Court	19	124	✓	
In the Senior Apt. Judge's D ^o	9	" 1	✓	
In this Court.				28 125 ✓
Stamp for Memorandum of Special Appeal	16	" "	✓	
Stamps for copies of Decree and Judgment	3	" "	✓	
Stamp for Vukeelutnama	2	" "	✓	
Batta for Process and Postage	1	7	✓	
Sectioner's Fee	1	76	✓	
Vukeel's Fee	6	" "	✓	
				29 146 ✓
				Rupees.... 58 10 11 ✓

BY THE RESPONDENT.

In the District.				
In the Moonsiff's Court	52	3 1	✓	
In the Senior Apt. Judge's D ^o	26	12 1	✓	
In this Court.				78 152 ✓
Stamp for Vukeelutnama	a	a "		
Vukeel's Fee	u	a "		a a "
				Rupees.... 78 152 ✓




 1st Assistant Registrar

 For Sealer
 The 26th day of January 1865.