

In the High Court of Judicature, Bombay.

For day, the Eighth day of July 1864.

SPECIAL APPEAL No. 86 OF 1864.

Sukharam Raghoshet Mendre
of the Konkan District ————— } Appellant

(Original Defendant.)

versus

Aba Balumbhut Sende deceased
his son and heir Balakrishna of
the Konkan District ————— } Respondent

(Original Plaintiff.)

Rs. 131-14-00

The claim in the Original Suit was to obtain possession of a
warren, and to establish right of possession
of a house.

In Appeal No. 614 of 1862 the Joint Judge
of the District of the Concan at Panvel affirmed
the Decree of the Munsiff who decreed possession
of the Warren to Plaintiff.

A Special Appeal was preferred in the High Court on the grounds that (1) the
decision of the Acting Judge is contrary to law
in that ~~the~~ ^{he} Acting Judge has totally miscon-
-strued Documents Exhibits Nos 3 and 14 in
holding

holding that the transaction represented therein was in the nature of a mortgage; that (2.) Respondent's claim has been awarded on Document Exhibit N^o. 3 although the same is void for want of certainty and absence of all consideration and that (3.) the Acting Judge has awarded Respondent's claim on the document Exhibit N^o. 3 although the same is barred by the statute of limitations.

The Court reverse the Decree of the District Judge without prejudice to the right of Abo, if so advised, to sue Sukharām for damages.

Each party to bear his own costs.

Joseph Arnold

H. C. ...

Bill of costs

By the Appellant

In the District

In the Moonseff's Court ————— 7.7.4

In the Judge's Court ————— 28.6.8.

————— 35.14 "

Cambridge ————— 35.14 "

Brought over Rs	35.14
In this Court	
Stamp for Memo: of Special app ^l	8
Stamps for Copies of decree & judgment	3
D ^o for two Vekhalutwamas	4
Patto for Proceps and Postage	1.8
Sectioner's Fee	1.6.6
Vekhal Fee	3.15.4
	<u>21.13.10</u>
	<u>Rupees 57.11.10.</u>

By the Respondent	
In the District	
In the Moonieffs Court	17.14.4
D ^o Judge's Courts	9.14.8
	<u>27.13.4</u>
In this Court	
Stamp for Vekhalutwama	2
Vekhal Fee	3.15.4
	<u>5.15.4</u>
	<u>Rupees 33.12.4</u>



Gunn

Sealer

Gunn
Acting Registrar

The 8th day of July 1864.