

In the High Court of Judicature, Bombay.

Thursday, the 9 day of February 1864

SPECIAL APPEAL No. 873 or 1864

Sadasoo Mulud Raoji of the  
Ahmednagar District

Appellant

(Original Defendant.)

versus

Ketha Mulud Muthar of the  
Ahmednagar District

Respondent

(Original Plaintiff.)

Rs. 4-6-6

The claim in the Original Suit was to recover a share of half a field

In Appeal No. 202 of 1864 the Judge of the District of Ahmednagar at Ahmednagar affirmed the Decree of the Court who had a portion of the land claimed to the Plaintiff.

A Special Appeal was preferred in the High Court on the grounds that the decision of the District Judge is contrary to law or usage having the force of law in that (a) The claim is barred by the law of limitation

limitation.

(B) The opposite party being a plaintiff in ejectment, and there being found to be no independent proof of the land in dispute being his own, the claim has not been rejected.

(C) The decision is opposed to practice in as much as the opposite party having been cognizant of the attachment and sale, and delivery over of the whole of the land now in the possession of the Applicant, and not having taken any steps to stay such procedure, he is not entitled to recover.

(D) The opposite party himself having dealt with the field as being of Beeghar and 8 Pandas, its description in the notice of sale as being such is immaterial the boundaries having been correctly defined.

The Court reverse the Decrees of the 8<sup>th</sup> Judge of Munsiff and reject the Plaintiff's claim with all costs.

Atkincock Forbes.

D. M. A. D.

MEMORANDUM OF COSTS incurred in Special Appeal No. 873

of 186 *H* against the decision of the Judge \_\_\_\_\_ of the District of *Shimodungar* and disposed of on the *9 February 1865* by *confirming the same with costs.*

By THE APPELLANT—

IN THE DISTRICT.

|                                       |   |    |    |   |   |   |
|---------------------------------------|---|----|----|---|---|---|
| In the <i>Moonisiff's Court</i> ..... | 5 | 4  | 2  | ✓ |   |   |
| In the <i>Judge's Court</i> .....     | 1 | 14 | .. | ✓ |   |   |
|                                       |   |    |    |   | 7 | 2 |
|                                       |   |    |    |   |   | 2 |
|                                       |   |    |    |   |   | 2 |

IN THIS COURT.

|   |    |    |    |   |   |    |
|---|----|----|----|---|---|----|
| Stamp for Memorandum of Special Appeal .....                            | 1  | .. | .. | ✓ |   |    |
| Stamps for copies of Decree and Judgment .....                          | 2  | 8  | .. | ✓ |   |    |
| Stamp for Vukalutnama .....   | 2  | .. | .. | ✓ |   |    |
| Stamp of an application to enter the name of the Appellant's heir ..... | 0  | 0  | 0  |   |   |    |
| Batta for Process and Postage .....                                     | 1  | 5  | .. | ✓ |   |    |
| Sectioner's Fee .....   | 1  | 9  | 3  | ✓ |   |    |
| Vukeel's Fee .....  | .. | 3  | 7  | ✓ | 8 | 9  |
|   |    |    |    |   |   | 10 |

Rupees.... *15* *12* .. ✓

By THE RESPONDENT—

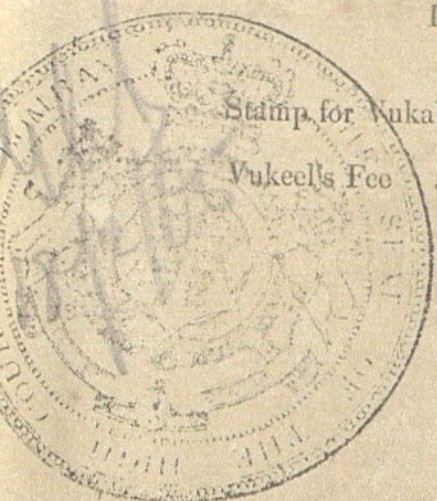
IN THE DISTRICT.

|                                       |   |    |   |   |   |   |
|---------------------------------------|---|----|---|---|---|---|
| In the <i>Moonisiff's Court</i> ..... | 4 | 13 | 7 | ✓ |   |   |
| In the <i>Judge's Court</i> .....     | 2 | 11 | 7 | ✓ |   |   |
|                                       |   |    |   |   | 7 | 9 |
|                                       |   |    |   |   |   | 2 |

IN THIS COURT.

|                             |    |    |    |   |   |    |
|-----------------------------|----|----|----|---|---|----|
| Stamp for Vukalutnama ..... | 2  | .. | .. | ✓ |   |    |
| Vukeel's Fee .....          | .. | 3  | 7  | ✓ | 2 | 3  |
|                             |    |    |    |   |   | 7  |
|                             |    |    |    |   | 9 | 12 |
|                             |    |    |    |   |   | 9  |

Rupees.... *9* *12* *9* ✓



*W. J. ...*

*The 9<sup>th</sup> day of February 1865.*

*Registrar*