

In the High Court of Judicature, Bombay.

Mon day, the 30<sup>th</sup> day of January 1865.

SPECIAL APPEAL No. 874 OF 1864.

Asaya Jan Patil of the Konkun District

Appellant

(Original Defendant)

versus

Goolam Ali Wulud Sheik Budroo din ~~Patil~~ of the Konkun District

Respondent

(Original Plaintiff)

Rs. 2,500

The claim in the Original Suit was to recover six years' Huk.

In Appeal No. 212 of 1863 the <sup>Crisis' Judge</sup> of the District of the Konkun at ~~Tanna~~ <sup>Tanna</sup> ~~comprised~~ the Decree of the <sup>Juff. of Peem</sup> ~~Juff. of Peem~~ who <sup>had awarded the claim.</sup> ~~had awarded the claim.~~

A Special Appeal was preferred in the High Court on the grounds that <sup>the decision of the Juff. of Peem</sup> (1) ~~is~~ <sup>is</sup> contrary to law in that :-

(a) Contrary to the customs of the Country a Selotri has been allowed to recover the Selotri huk from the tenant whilst the latter had been paying the <sup>subsidy</sup> ~~the~~

Government.  
Assessment.

(b) That the sole condition upon which the Seldri huk could be claimed viz. that the Seldridar should make yearly repairs to the Khar has not been fulfilled - it having been supposed that the repairs are to be executed whenever the Khar should fall into ruins

(c) Before awarding in favour of the opposite party who claimed to be Seldridar, he should have been called upon to prove his title to Huk as against the land held by the <sup>Appellant</sup> Applicant and the admissions of other people in respect of their holdings or extracts from the Revenue Records were inadmissible for that purpose.

The Court conforms the decree of the <sup>1st</sup> Judge.

Costs on Special Appellant.

R Coak  
H. Coak  
M. Ward

MEMORANDUM OF COSTS incurred in Special Appeal No. 874  
of 186 4 against the decision of the *Asstt Judge* of the  
District of the *Norcha* and disposed of on the *30 January 1865*  
by *Confirming the same with costs*

BY THE APPELLANT—

IN THE DISTRICT.

In the <i>Moonsiff's Court</i>	1	14	00	✓		
In the <i>Asstt Judge's Court</i>	6	6	00	✓		
			8	4	00	✓

IN THIS COURT.

Stamp for Memorandum of Special Appeal	2	00	00	✓			
Stamps for copies of Decree and Judgment	3	8	00	✓			
Stamp for Vukalutnama	2	00	00	✓			
Stamp of an application to enter the name of the Appellant's heir	3	00	00	✓			
Batta for Process and Postage	"	15	00	✓			
Sectioner's Fee	2	6	00	✓			
Vukeel's Fee	"	12	00	✓			
			11	9	3	00	✓

Rupees.... 19/13/3. ✓

BY THE RESPONDENT—

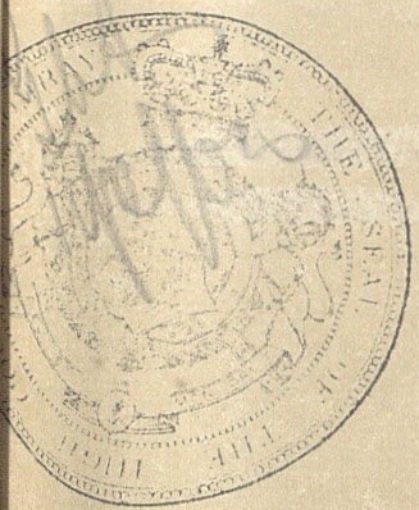
IN THE DISTRICT.

In the <i>Moonsiff's Court</i>	7	9	00	✓		
In the <i>Asstt Judge's Court</i>	4	9	00	✓		
			12	2	00	✓

IN THIS COURT.

Stamp for Vukalutnama	2	00	00	✓		
Vukeel's fee	"	12	00	✓		
			2	12	00	✓

Rupees.... 14/14/00 ✓



*W. Jones* Registrar  
*A. West*  
The 30<sup>th</sup> day of January 1865.