

In the High Court of Judicature, Bombay.

Iron day, the 30th day of January 1865.

SPECIAL APPEAL No. 875 OF 1864.

Pillaje Wuled Naye of the Ahmednugur District

Appellant

(Original Defendant)

versus

Gunputras Govind of the Ahmednugur District

Respondent

(Original Plaintiff)

Rs. 15-0-0

The claim in the Original Suit was to recover possession of certain alleged *Irvas* lands

In Appeal No. 160 of 1864 the Judge of the District of Ahmednugur at Ahmednugur confirmed the Decree of the *Magistrate of Police* who had awarded the claim.

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

(a) The Judge has decided that the suit was not to be

red by Regulation V of 1827 it being held provid, that
the opposite party has never held the land ifrom 1824.

(b) The Appellants' possession was not held to be un-
interrupted without the evidence of any interruption from
the opposite party the former being defendant in possession

(c) The survey Register which was no evidence in itself
and especially so, when made by the opposite party him-
self - was received in proving his title to the land in dis-
pute.

(d) Exhibits No 53 and 54 were received in evidence, -
though they were inadmissible.

(e) The Onus Probandi has been wrongly placed on
the appellant, because the receipts which he produced
contained the name of Balaje Sinday and no opportuni-
ty was afforded to adduce evidence in explanation.

The Court confirms the decree of the District
Judge.

Costs on Special Appellant.

R Couch

H. C. M.

A. J. Ward

MEMORANDUM OF COSTS incurred in Special Appeal No. 875
of 1864 against the decision of the Judge _____ of the
District of *Shivnagar* and disposed of on the 30th January 1865
by *Confirming the same with costs*

By THE APPELLANT—

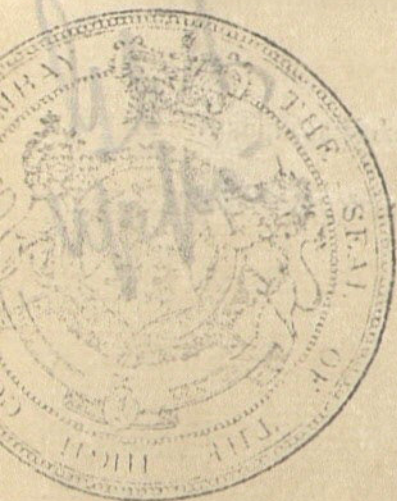
IN THE DISTRICT.

In the <i>Moonceff's Court</i>	1	21	5		
In the <i>Judge's Court (including fee)</i>	2	5	25		
					973 ✓
IN THIS COURT.					
Stamp for Memorandum of Special Appeal	1	"	"	5	
Stamps for copies of Decree and Judgment	3	"	"	"	
Stamp for Vukalutnama	2	"	"	"	
Stamp of an application to enter the name of the Appellant's heir	3	"	"	"	
Batta for Process and Postage	1	2	"	5	
Sectioner's Fee	1	11	3	5	
Vukeel's Fee	"	7	2	5	
					945 ✓
					Rupees.... 18 11 8 ✓

By THE RESPONDENT—

IN THE DISTRICT.

In the <i>Moonceff's Court</i>	14	"	"	5	
In the <i>Judge's Court</i>	1	7	2	5	
					1572 ✓
IN THIS COURT.					
Stamp for Vukalutnama	2	"	"	5	
Vukeel's Fee	"	7	2	5	
					272 ✓
					Rupees.... 17 14 4 ✓



W. J. ...

West ...

For Sealer ... 30 ... January 1865