

In the High Court of Judicature, Bombay.

Thursday, the 9 day of February 1864.

SPECIAL APPEAL No. 880 OF 1864.

Yurgovund Lakhmidas of  
the Konkan District — Appellant,

(Original Plaintiff)

versus

Sojya Daji Naik of the  
Konkan District — Respondent,

(Original Defendant)

Rs. 139 — — —

The claim in the Original Suit was to obtain possession of a  
House alleging that Sojya had sold it to him.

In Appeal No. 880 of 1864 the Assistant Judge  
of the District of the Konkan — at Samah reversed  
the Decree of the Court at Ponnani who had decreed in favour of the  
Plaintiff

A Special Appeal was preferred in the High Court on the grounds that (1) the decision  
of the Assistant Judge is contrary to law  
in that

(a) The Court below has contrary  
to

to the Maxim, Omnia proesumpture  
rite et Solemniter esse acta, presumed  
the Sale deed to have been obtained  
malâ fide.

(b) The lower Court has erred  
in holding that "there is no evidence  
that Such (rent) was paid; rent having  
been paid according to the opposite  
party's own admission in Exhibit N<sup>o</sup> 4  
and others.

(c) A tenant has been allowed to  
deny the title of his landlord.

(d) The Court below has applied  
the Maxim of Pari delicto; but wherein  
the wrong consists is neither shewn  
by the opposite party, nor found by the  
Court.

The Court reverse the Decree of the  
assists. p. of confirm that of the Decree with  
with facts on Sp<sup>l</sup>. Respondent.

A. Winlock Forbes.

A. Marden

MEMORANDUM OF COSTS incurred in Special Appeal No. 880

of 1864 against the decision of the Assistant Judge of the District of the Kanton and disposed of on the 9<sup>th</sup> February 1865 by reversing the decree of the said Judge confirming that of the Moonseiff.

BY THE APPELLANT—

IN THE DISTRICT.

In the Moonseiff's Court	19	4	9		
In the Asst. Judge's Court	5	2	9		
				24	76

IN THIS COURT.

Stamp for Memorandum of Special Appeal	8	0	0		
Stamps for copies of Decree and Judgment	3	0	0		
(two)					
Stamp for Vukalutnama	4	0	0		
Stamp of an application to enter the name of the Appellant's heir	3	0	0		
Batta for Process and Postage	1	9	0		
Sectioner's Fee	1	6	0		
Vukeel's Fee	4	2	9	22	23
				Rupees	46 99

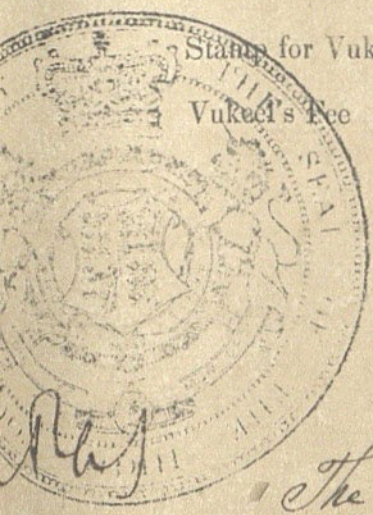
BY THE RESPONDENT—

IN THE DISTRICT.

In the Moonseiff's Court	11	8	9		
In the Asst. Judge's Court	14	16	9	26	76

IN THIS COURT.

Stamp for Vukalutnama	"	"	"		
Vukeel's Fee	"	"	"		
				"	"
				Rupees	26 76



*W. J. B. B. B.*  
*W. J. B. B. B.*

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

Registrar