

In the High Court of Judicature, Bombay.

Thursday, the 2<sup>nd</sup> day of February 1865.

SPECIAL APPEAL No. 883 OF 1864.

Krishnao Saunt Goshi Inamdar of the Koukum District } Appellant,

(Original Defendant)

versus

Guri Shriothur Apte of the Koukum District } Respondent,

(Original Plaintiff)

Rs. 55-

The claim in the Original Suit was to establish a right to two fields, which had been attached by Deft in virtue of an award against a third party.

In Appeal No. 164 of 1864 the Assis. Judge of the District of the Koukum at Danner reversed the Decree of the J. of Callian who had thrown out the claim.

A Special Appeal was preferred in the High Court on the ground that (1) the decision of the Assistant Judge is contrary to law in that, the Appellant's mortgage right having been accepted by the Purchaser at auction (Bapoo) the Appellant's right should

Should have been awarded:

(b) That in consequence of the said purchaser having accepted the mortgage lien as above set forth, the Mooniff laid down no issue on the subject of the genuineness and bona-fide character thereof, and thereby all the evidence of the Appellant was excluded and he was afforded no opportunity by the Court below to adduce the same.

(c) The opposite party has no right to sue as the heir of the said Purchaser Bapoo.

(d) The mortgage and award having been held proved in another suit between the same parties, the same should not have been over-hauled in the present suit.

The Court confirms the decree of the lower

Judge.

Costs on Special Appellant.

R Couch  
K. M. M.

MEMORANDUM OF COSTS incurred in Special Appeal No. 883

of 186 4 against the decision of the Assistant Judge of the District of the <sup>at Tanjore</sup> ~~Konkan~~ and disposed of on the 2<sup>d</sup> February 1865 by confirming the same.

BY THE APPELLANT—

<i>In the District.</i>				
In the <i>Mونسиф's Court</i> .....	17	8	✓	
In the <i>Assistant Judge's D<sup>o</sup></i> .....	"	"	✓	
<i>In this Court.</i>				
Stamp for Memorandum of Special Appeal .....	4	"	✓	
Stamps for copies of Decree and Judgment .....	3	"	✓	
Stamp for Vukeelutnama .....	2	"	✓	
Batta for Process and Postage .....	1	3	✓	
Sectioner's Fee .....	1	88	✓	
Vukeel's Fee .....	1	105	✓	
				7 8 ✓
				13 61 ✓
				Rupees... 20 69 ✓

BY THE RESPONDENT.

<i>In the District.</i>				
In the <i>Mونسиф's Court</i> .....	13	105	✓	
In the <i>Assistant Judge's D<sup>o</sup></i> .....	12	" 9	✓	
<i>In this Court.</i>				
Stamp for Vukeelutnama .....	"	"	✓	
Vukeel's Fee .....	"	"	✓	
				25 12 ✓
				Rupees... 25 12 ✓



*[Handwritten Signature]*  
 Seal

*[Handwritten Signature]*  
 Registrar

The 2<sup>d</sup> day of February 1865