

In the High Court of Judicature, Bombay.

Wednesday, the 8<sup>th</sup> day of February 1865.

SPECIAL APPEAL No. 898 — of 1864.

E. Knath Vishwanath  
Heirs of the Sataras  
District — (Original Plaintiff)

Appellant

*versus*  
Danapow Bombre, decas-  
ed, his sons and heir +  
Tatya of the Sataras Dis-  
trict — (Original Defendant)

Respondent

Rs. 84-3-8.

The claim in the Original Suit was to recover possession of shop.

In Appeal No. 117 of 1863 the Judge of the District of Patana at Patana confirmed (on appeal from the H.C.) the Decree of the Mr. J. Anderson who on demand threw out the claim.

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

to

to law, in that he has gone beyond the issues laid down by the High Court in making enquiry as to the existence of any mortgage deed or as to its loss, that (2) the District Judge erred in holding that formal notice to produce the original mortgage deed should have been given to Respondent; that (3) the District Judge erred in holding Appellant prejudiced by the non production of the original: and that (4) the District Judge has erred in holding that Appellant's claim could not be proved independent of the mortgage, and in giving no opinion on the rest of the evidence recorded in the case.

The Court confirms the decree of the District Judge.

Costs on Special Appellant

Abhiroch Forbes  
Clerk.

MEMORANDUM OF COSTS incurred in Special Appeal No. 898

of 186 *H* against the decision of the Judge \_\_\_\_\_ of the District of *Satara* and disposed of on the 8 February 1855 by confirming the same with costs.

BY THE APPELLANT—

IN THE DISTRICT.

In the <i>Mousiffi</i> Court .....	29	0	5	✓
In the <i>Judges</i> Court .....	21	8	0	✓
			50	8 5

IN THIS COURT.

Stamp for Memorandum of Special Appeal .....	8	0	0	✓
Stamps for copies of Decree and Judgment .....	3	0	0	✓
Stamp for <i>Vukalutnama</i> <del>the</del> .....	4	0	0	✓
Stamp of an application to enter the name of the Appellant's heir .....	0	0	0	
Batta for Process and Postage .....	1	10	0	✓
Sectioner's Fee .....	2	3	0	✓
Vukeel's Fee .....	2	8	5	✓
			21	5 5
			Rupees....	71 13 11 ✓

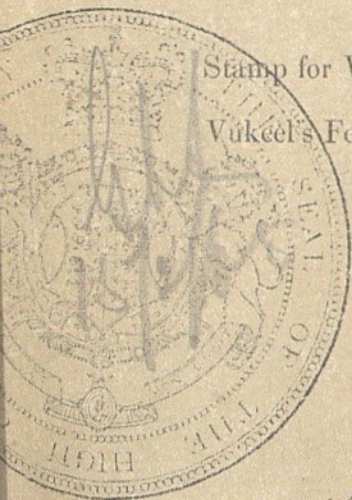
BY THE RESPONDENT—

IN THE DISTRICT.

In the <i>Mousiffi</i> Court .....	14	0	0	✓
In the <i>Judges</i> Court .....	11	1	11	✓
			25	2 9

IN THIS COURT.

Stamp for <i>Vukalutnama</i> .....	2	0	0	✓
Vukeel's Fee .....	2	8	5	✓
			4	8 5
			Rupees....	29 11 2 ✓



*H. D. J.*  
*R. M. J.*  
 The 8<sup>th</sup> day of February 1855. Registrar