

In the High Court of Judicature, Bombay.

Thursday, the 12th day of June 1865.

SPECIAL APPEAL No. 900 — or 1864.

Rameshet Pandoasbet
Choudhuri of the Kolahun District } Appellant
(Original Plaintiff)

Sukharajm Shivaji ^{versus} Dinkurao and
security Kybutrao Govindrao Dinkurao
deceased his son and heir Balupa a minor by
his mother Bhozli and Bhozli for herself
of the Kolahun District original defendants
Rs. 249 — " — } Respondents

Special Appeal No. 902 of 1864.

Sukharaj Shivajirao Deshmooke
of the Kolahun District } Appellant
(original defendant)

Rameshet Pandoasbet Choudhuri
of the Kolahun District } Respondent
(original Plaintiff)

Rs. 249 — " —

The claim in the Original Suit was to recover possession of a half
of 9 fields, a piece of warken ground, and also
an allowance claimed by P. under a deed of
sale from Defendant.

In Appeal No. 606 of 1863 the Assistant Judge
of the District of the Kolahun at ~~some name~~ reversed
the Decree of the ~~Magistrate~~ ^{Magistrate} of ~~some name~~ ^{some name} who had thrown out the claim
by awarding possession during the lifetime of ~~some name~~ ^{some name}
only.

^{cross were}
Special Appeals were preferred in the High Court on the grounds that (1) the decision
of the Assistant Judge has misconstrued
the sumrud and other documents relating
to the property in dispute in holding
that

that it is a service wuttumand that
(2) the Assistant Judge erred in limiting
appellants right to the life of the grantor
of the deed of sale.

(1) The decision of the Assistant
Judge is contrary to Law in that
the Land which is sold being
an ~~Land~~ attached to the Dushubokhe
Muttum the Appellate Court should
have set aside the sale whereas it
was not done so, which was not
contrary to section 20 of Regulation
XVII of 1827 and that (2) a substantial
error in law has occurred in
the investigation of the case which
has produced an error in the decision
of the case on its merits in that the
Respondent can merely recover
during the appellants life time
the amount which may be found
due on the bond from the income
of the property by attaching the
same whereas the appellate court
erroneously upheld the Res-
pondents right as a purchaser.
The Court finds that the Assis^t Judge was
in error in admitting the judgment in Appeal
no. 605, which was not a judgment in a suit between

MEMORANDUM OF COSTS incurred in Special Appeal No. 1900/902

of 1864 against the decision of the Assistant Judge of the District of the Nonhem and disposed of on the 12th June 1865 by remanding the same with for retrial.

IN THIS COURT.

In No 900 of 1864

By THE APPELLANT—

Stamps for copies of Decree and Judgment	3	8	11		
Stamp for Vukeelutnama	2	"	"		
<i>stamp for an application to enter the name of defendants to hear</i>	2	"	"		
Batta for Process and Postage	4	2	"		
Sectioner's Fee	2	1	"		
Vukeel's Fee one-fourth	1	13	10		
				15	8
				10	
				Rupees	15 8 10

By THE RESPONDENT—

Stamp for Vukeelutnama	"	"	"		
Vukeel's Fee one-fourth	"	"	"		
				"	"
				Rupees	" " "

In No 902 of 1864

By the Appellant—

Stamp for copies of decree & judgt.	3-8-"		
Stamp for Vukeelutnama	2-"		
Batta for Process & Postage	1-6-"		
Sectioner's Fee	2-"		
Vukeel's Fee one-fourth	1-13-10		
			10-11-
			Rupees 10 11 -

By the Respondents

Stamp for Vithalstname 2-11-10

Vithalstname one fourth 1-13-10

3-13-10

Rupees 3-13-10



The 12th day of June 1866

[Signature]
Deputy Registrar

[Signature]
Registrar

Issued a Certificate on Her Majesty's Treasury the Bank of Bombay for the refund of Rupees 16-00 (sixteen) being the value of stamp used in Special Appeal No 900 of 1864.

[Signature]

[Signature]
Registrar

Issued a Certificate on Her Majesty's Treasury the Bank of Bombay for the refund of Rupees 16-00 (sixteen) being the value of stamp used in Special Appeal No 902 of 1864.

[Signature]

[Signature]
Registrar

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