

In the High Court of Judicature, Bombay.

Wednesday, the 7th day of June 1865.

SPECIAL APPEAL No. 903 - of 1864

Nannaji bin Anbaji

Patil Aghar of the Taluk

Appellant

Konkan District - (Original Plaintiff)

versus

Jaw Patil bin Mulhar

Patil Sable deceased his

Grandson and heir also

bin Mahad Patil a minor

by his guardian Nagas

bin Dev Patil Sable of the

Konkan District (Original Defendant)

Respondent

Rs. 84-15-00

The claim in the Original Suit was to establish a right to perform the duties and receive the remuneration of Patel every alternate year, and to recover that for the year 1862-1863.

In Appeal No. 291 of 1864 the Judge of the District of the Konkan at Solapur pronounced the Decree of the J. J. Inwood who had thrown out the claim.

A Special Appeal was preferred in the High Court on the grounds that the decision of the District Judge is contrary to usage having the force of law, in that the

the Respondent having admitted the agreement No 3 and having taken no objection whatever regarding it, the appellate court was wrong in giving the decision contrary to the admission of the opposite party, and to the ruling in Special appeal No 2550, that (2) it is contrary to law in that the Appellant is a sharer of half of the Patalhi of the said Mouze and the Respondent is a share holder of the other half and this fact is admitted by the Respondent, and therefore the Appellant could not be a third party, but is a proprietor, wherefore the decision of the appellate court is contrary to clause 1st Section XX Regulation XVI of 1827, that (3) the enactment quoted by the court below prevents the sale, or mortgage of the property, and it does not prevent restitution of the property to its owner, and therefore the said enactment is not applicable to the present case: and that (4) a substantial error in law has occurred in the investigation of

of

of the case which has produced an error in the decision of the case and its merits, in that the point under what title the Appellant had an ancestral right to the Written was not laid down for decision, nor did the Respondent raise any objection regarding it, and therefore there was no occasion for the Appellant to produce evidence on that point.

The Court conforms the decree of the District Judge.

Costs on Special Appellant.

Wm. L. Forbes

A. M. Wagoner

MEMORANDUM OF COSTS incurred in Special Appeal No. 903

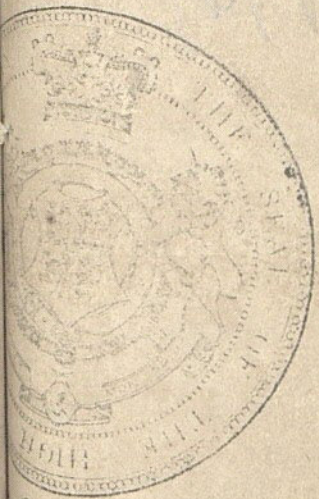
of 1864 against the decision of the Judge of the District of the Konkan and disposed of on the 7th day of June 1865 by Confirming the same

BY THE APPELLANT—

In the District.				
In the Moonsiff's Court	15	3	10	✓
In the Judge's Court	14	5	3	✓
				29 10 15
In this Court.				
Stamp for Memorandum of Special Appeal	8	"	"	✓
Stamps for copies of Decree and Judgment	3	"	"	✓
Stamp for Vukeelutnama	2	"	"	✓
Stamp for an application to enter the name of the Respondents heir	2	"	"	✓
Batta for Process and Postage	2	11	"	✓
Sectioner's Fee	1	9	"	✓
Vukeel's Fee	2	8	9	✓
				21 12 9
Rupees....				51 6 10

BY THE RESPONDENT.

In the District.				
In the Moonsiff's Court	"	"	"	
In the Judge's Court	3	8	9	✓
				3 8 9
In this Court.				
Stamp for Vukeelutnama	2	"	"	✓
Vukeel's Fee	2	8	9	✓
				4 8 9
Rupees....				8 1 6



W. D. ...
Sealer

R. West
Registrar

7th day of June 1865.