

In the High Court of Judicature, Bombay.

*Tue* day, the 3 day of *February* 186*5*.

SPECIAL APPEAL No. *907* of 1864.

*Amundrav Narayun Shringa  
spure of the Honkun District* } Appellant,

(Original Plaintiff)

versus

*Sonaji bin Sakroji Mugus of  
the Honkun District* } Respondent,

(Original Defendant)

Rs. *25* - " - "

The claim in the Original Suit was to compel the Defendant to fulfil an agreement which had been passed between them on the 11<sup>th</sup> January 1853 by which the Deft. ~~was to~~ <sup>received</sup> No 25 of to make over to Plaintiff the half of a field which he had taken under coat. of the No 25 a payment had been made of Rs 27-0 of Plaintiff sought to compel Deft's acceptance of the balance of delivery of half the field -

In Appeal No. *122* of 1864 the Assistant Judge of the District of *the Konkan* at *Sambh* reversed the Decree of the *Magistrate* at *Penn* who *on a remand* ~~decided~~ *decided* on the 9<sup>th</sup> December 1863 in favor of the Plaintiff - & threw out the claim of Amundrav with costs

A Special Appeal was preferred in the High Court on the grounds that the decision of the Assistant Judge is contrary to law in that (1) the Assistant Judge erred in not awarding for Appellant when he found the deed sued on proved that

(2) the Assistant Judge quite misunderstood the  
functions of a Court of Law or of Equity in supposing  
that a contract might be set aside on the ground  
of inadequacy of consideration that (3) the  
Assistant Judge's finding is inconsistent on the  
question of a-dequacy or in a dequacy of consider-  
tion that (4) the Assistant Judge erred in holding  
that the delay in enforcing the Contract could  
in any way alter its conditions and that (5)  
the Assistant Judge whilst barely calling in  
question the bonafides of the Contract does  
soon grounds totally insufficient in law.

The Court reverse the Decree of the Assistant  
Judge & confirm that of the Munsiff. Dated the  
9: Dec<sup>r</sup>: 1863. - costs on Ap<sup>t</sup>: Respondent.

Abraham Forbes.  
4<sup>th</sup> 14. July.

MEMORANDUM OF COSTS incurred in Special Appeal No. 907

of 186 A against the decision of the Assistant Judge of the District of *Chhokan* and disposed of on the 3 February 1865 by reversing the same & confirming that of the *Mousiff* with costs.

BY THE APPELLANT—

IN THE DISTRICT.

In the <i>Mousiff</i> Court .....	4. 8 ..	✓
In the <i>Assistant Judge's</i> Court ..	1. 12 ..	✓
		9. 20 .. ✓

IN THIS COURT.

Stamp for Memorandum of Special Appeal .....	2 ..	✓
Stamps for copies of Decree and Judgment .....	2 ..	✓
Stamp for Vukalutnama .....	2 ..	✓
Stamp of an application to enter the name of the Appellant's heir .....	0 0 0	
Batta for Process and Postage .....	1 9 ..	✓
Sectioner's Fee .....	1. 13 ..	✓
Vukeel's Fee .....	1. 12 ..	✓
		10 2 .. ✓

BY THE RESPONDENT—

Rupees.... 19 5 .. ✓

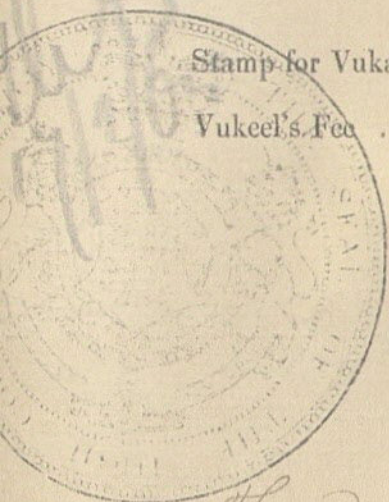
IN THE DISTRICT.

In the <i>Mousiff</i> Court .....	5. 8 ..	✓
In the <i>Assistant Judge's</i> Court ..	4 10 ..	✓
		10 8 .. ✓

IN THIS COURT.

Stamp for Vukalutnama .....	0 0 0	
Vukeel's Fee .....	0 0 0	
		0 0 0

Rupees.... 10 2 .. ✓



*W. J. ...*  
 Sealers

*R. West*  
 Registrar

The 3<sup>rd</sup> day of February 1865.