

In the High Court of Judicature, Bombay.

Monday, the 13th day of February 1865.

SPECIAL APPEAL No. 908 or 1864

Jayram bin Raghonathbhat
Bopadhi deceased, his son &
heir Balambhat of the Kankar
District. (Original Plaintiff.) } Appellant

Lopal bin Mahadji Shinde (at present
a prisoner in Pona jail) Rama &
Lakshanna sons of Lopal Shinde
& brother Rama of the Kankar
District. (Original Defendant.) } Respondent

Rs. 125-0-0

The claim in the Original Suit was to compel the demolition of
a house, and recover possession of a piece of ground

In Appeal No. 212 of 1864 the Assistant Judge
of the District of the Kankar at Puna who had thrown out the claim.
the Decree of the J. of Kankar

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) he erred in holding appellant pre-
judiced by not procuring Lopal as a wit-
ness, he having been served with a sum-

= wrong as Defendant, & having failed to appear;
that (2) the Assistant Judge erred in holding
there was no consideration for the agreement
sued on; that (3) the Assistant Judge erred
in holding that there could only be considera-
-tion for the agreement, if at the date thereof
appellant had the power to eject Respon-
-dent, it being quite competent to Res-
-pondent to revive appellant's right,
barred by lapse of time; and that (4) the
Assistant Judge erred in requiring appellant
to prove actual occupation by himself of the
land in dispute; and that (5) the Assis-
-tant Judge erred in holding that appel-
-lant's claim rested on hearsay only.

The Court confirms the decree of the Circuit
Judge.

Costs on Special Appellant.

Attest: John Forbes
H. H. Fisher

MEMORANDUM OF COSTS incurred in Special Appeal No. 908

of 1864. against the decision of the *Assists Judge* of the District of *the Honkum at Janna*, and disposed of on the *13th February 1865*, by *confirming the same*.

BY THE APPELLANT—

In the District.				
In the <i>Munsiff's Court</i>	22	6	0	
In the <i>Assists Judge's D^o</i>	17	3	3	
In this Court.				39 9 3
Stamp for Memorandum of Special Appeal	8	0	0	
Stamps for copies of Decree and Judgment	3	0	0	
Stamp for Vukeelutnama	2	0	0	
Batta for Process and Postage	2	8	0	
Sectioner's Fee	1	11	9	
Vukeel's Fee	3	12	0	
				20 15 9
				Rupees.... 60 9 0

BY THE RESPONDENT.

In the District.				
In the <i>Munsiff's Court</i>	10	8	0	
In the <i>Assists Judge's D^o</i>	4	12	0	
In this Court.				15 4 0
Stamp for Vukeelutnama	0	0	0	
Vukeel's Fee	0	0	0	
				0 0 0
				Rupees.... 15 4 0



W. D. Russ
Sealer

R. West
Registrar

The 13th Day of February 1865.