

In the High Court of Judicature, Bombay.

~~Two~~ day, the 7th day of February 1865.

SPECIAL APPEAL No. 909 of 1864

Balaji bin Mulharji
Jashav of the Rutnagiri
Division of the Konkan
District (Original Plaintiff)

Appellant

Nashinath ^{versus} Gan-
-eshwar & Subharam Wagoode
& Govind Jagdish & Vishnu
Sarayam & Raji Narayam
& Nagesh Sarayam & Narayam
Sarayam & Wadoode & Ramchand
& Wanyaji Balakrishna Sande-
kar of the Rutnagiri Division
of the Konkan District

Respondent

(Original Defendants)

Rs. 24-''-''

The claim in the Original Suit was to redeem an alleged ancestral
Thicken alleged to have been mortgaged.

In Appeal No. 373 of 1864 the Senior Assistant Judge
of the District of ~~Konkan~~ ^{of the district of Rutnagiri} under
the Decree of the ~~Magistrate~~ ^{Magistrate} who ~~has~~ ^{has} decreed to ~~pay~~ ^{pay} the
right to redeem on payment of Rs 100, by decreeing
that ~~the~~ ^{the} ~~Magistrate~~ ^{Magistrate} should redeem only half the Thicken
on payment of the above sum.

A Special Appeal was preferred in the High Court on the grounds that (1) the decision
of the Senior Assistant Judge is contrary
to law in that it was not competent to
the Senior Assistant Judge to assume that
appellants statement of the facts of his
claim

claim was false: that (2) the senior Assistant judge erred in assuming that Respondent's deed of purchase was genuine: that (3) the senior Assistant judge has awarded more interest than Respondents are entitled to: and that (4) the senior Assistant judge has not made Respondents account for the rents and profits of the estate during the continuance of the mortgage.

The Court amends the decree of the Senior Judge by awarding Rs 163-10-2 to be paid to Sp! Respondent, for redemption of the land. If this amount is not paid within 6 months from the present date, with interest at 9 per cent per annum from the date of this decree to the day of payment, the mortgage is to be foreclosed from all equity of redemption.

Costs on Special Appellant.

R. Coak
J. Weston

A. Warden

27/11/1882

