

In the High Court of Judicature, Bombay.

Fri day, the 10th day of February 1865.

SPECIAL APPEAL No. 910 of 1864.

Daji bin Govind Bhat of the
Satara District

Appellant

(Original Plaintiff)

versus

Waman Pandoorung
Bougourkar

Respondent

(Original Deft.)

Rs. 64 - -

The claim in the Original Suit was to compel Deft. to ^{reopen} ~~reopen~~ a
gutter passing through his land by which Plaintiff's
land was drained.

In Appeal No. 122 of 1864 the Judge
of the District of ~~Satara~~ at ~~Satara~~ reversed
the Decree of the ~~Judge~~ ~~of~~ ~~Satara~~ who had awarded the claim.

A Special Appeal was preferred in the High Court on the grounds that (1) the decision
of the District Judge is contrary to law in that he
threw out the Appellants claim, because no loss or
inconvenience was proved to have resulted from
the

the obstruction complained of, that (2) that there has been a substantial error in law in the investigation of the case which has produced an error in the decision of the case upon its merits, in that (a) The onus of proving that they did not cause the obstruction ought to have been cast upon the respondents, the same having occurred in that part of the drain lying within the limits of the properties under their exclusive contract, (b) The lower Court has not enquired whether the obstruction was caused by either of the defendants. (c) The evidence derived from the inspection of the locality by the Munsiff in person ought not to be disregarded as worthless.

The Court reverse the decree of the District Judge and confirm that of the Munsiff.
Sp! Respondent Hannum to bear Sp! Appellant's Daja's costs throughout.

A. H. Lock Forbes.
H. P. by T. S. S.

MEMORANDUM OF COSTS incurred in Special Appeal No. 910

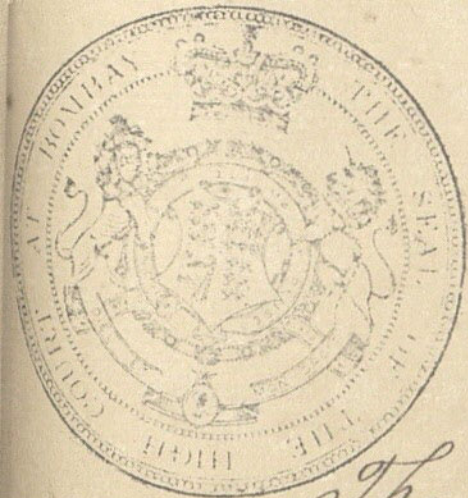
of 186 4 against the decision of the Judge _____ of the District of Satara and disposed of on the 10th February 1865 by reversing the same and confirming that of the Munsiff. Spe. Respondent to bear Spe. Appellants costs throughout.

BY THE APPELLANT—

In the District.				
In the Munsiff's Court	.....	15	13	8
In the Judge's D ^o	.....	2	14	8
In this Court.				18 12 4
Stamp for Memorandum of Special Appeal	.....	4	"	"
Stamps for copies of Decree and Judgment	.....	3	"	"
Stamp for Vukeelutnama	.....	2	"	"
Batta for Process and Postage	.....	1	4	"
Sectioner's Fee	.....	1	1	"
Vukeel's Fee	.....	1	14	9
				13 3 9
		Rupees....	32	" 7.

BY THE RESPONDENT.

In the District.				
In the Munsiff's Court	.....	11	2	4
In the Judge's Court	.....	9	3	8
In this Court.				20 6 "
Stamp for Vukeelutnama	.....	"	"	"
Vukeel's Fee	.....	"	"	"
		Rupees....	20	6 "



W. D. ...
 Secy

R. West
 Registrar

The 10th day of February 1865.