

In the High Court of Judicature, Bombay.

Tuesday, the 21 day of March 1864.

SPECIAL APPEAL No. 912 of 1864.

Wassooder Hamooder Joovekhar  
Khote of the Putnagiri Collectorate  
etc.

Appellant,

(Original Plaintiff)

versus

Mohomed Gooßen Walud Kha  
koo Mooroodkhar of the Putnagiri  
Collectorate

Respondent,

(Original Defendant)

Rs. 6-9-9.

The claim in the Original Suit was to obtain a decree ~~and~~ recognizing  
Plaintiff's ~~right~~ right to recover from Defendant higher rates  
called *doospeta* for certain *Mhootee* lands cultivated by the Defendant.

In Appeal No. 61 of 1862 the Acting Collector  
of the District of Putnagiri at *Putnagiri* reversed  
the Decree of the *Magistrate of Government* who had awarded to the Plaintiff  
rent according to the *Marble* rates No. 6-9-9. & threw out the  
Plaintiff's claim.

A Special Appeal was preferred in the High Court on the grounds that (1) the decision  
of the Acting Collector is contrary to law  
in that he has misconstrued Respondent's  
Statement in holding that he does not  
therein

therein admit that he is a "Doo-petakar":  
that (2) the Acting Collector has erroneously  
held that Exhibit No. 47 to be legal evidence  
of Respondent being a Sharekuri: that  
(3) the Acting Collector has thrown the  
burden of proof on the wrong party, Appellants.  
that (4) the Acting Collector unjustifiably  
assumes that Appellants' evidence must  
be false because he is a Khoti: that (5) the  
Acting Collector has entirely misconceived  
what accounts are kept for, they not being  
kept to show what has been claimed but  
to show what monies have in the course  
of business been paid or received: that  
(6) the Collector erred in reversing Mam-  
-but-dar's decree without first requiring  
the production of all the evidence cited  
by Appellant: that (7) the Acting Collector  
failed to award against Respondent for  
Suppression of evidence: and that (8) the  
Acting Collector should not have speculated  
on the nature and effect of evidence not  
on the record of this Suit.

The Court confirms the Decree of the  
Collector with costs of Appellants.

A. Philcock Forles,  
Att. Genl.

MEMORANDUM OF COSTS incurred in Special Appeal No. 912

of 186 *4* against the decision of the *Acting Collector* of the District of *Pune* and disposed of on the *21<sup>st</sup> March 1865* by *confirming the same with costs*.

BY THE APPELLANT—

<i>In the District.</i>			
In the <i>Mamledar's Court</i> —	5	11	
In the <i>Collector's Court</i> —	1	31	
			6. 42
<i>In this Court.</i>			
Stamp for Memorandum of Special Appeal ....	1	" "	
Stamps for copies of Decree and Judgment ....	2	8 "	
Stamp for Vukeelutnama <i>a two</i> .....	4	" "	
Batta for Process and Postage .....	1	1 "	
Sectioner's Fee .....	"	15 3	
Vukeel's Fee .....	"	3 1	
			9 11 4
		Rupees....	15. 15 6.

BY THE RESPONDENT.

<i>In the District.</i>			
In the <i>Mamledar's Court</i> (including <i>v. fee</i> ) —	3	31	
In the <i>Collector's Court</i> —	2	61	
			5. 9 2
<i>In this Court.</i>			
Stamp for Vukeelutnama .....	2	" "	
Vukeel's Fee .....	"	3 1	
			2 3 1
		Rupees....	7. 12 3.



*W. J. ...*  
*Deater*

*R. West*  
*Registrar*

*21<sup>st</sup> day of March 1865.*