



therein because his name did not appear in the deed of purchase, it being for Respondents to prove independent acquisition - that (2) the District Judge decided against Appellant in the absence of any proof of the separation relied on by Respondents. that (3) the District Judge found without evidence that Appellant was a childless widow she having a son 25 or 30 years old. that (4) the District Judge erred in holding that a childless widow by Hindu Law is entitled to maintenance only, she being also entitled to a house to reside in. that (5) the Judge erred in holding that proof of separation was not a material issue in this case. & that (6) the District Judge erred in not confirming Appellant in possession, for taking the Respondents' contention of separation of interests as correct, the inference in Law would be that the house in question fell to her own or Appellant's husband's share.

The Court find that the majority of the J. J. having held that Shroee (Defendant) obtained possession of the house in dispute as the tenant of Plaintiff, Sahu & Son, the decrees which they passed for granting Shroee were so far correct, even supposing her assertion to be true that she is the mother of a son who has attained his majority & is entitled to a share in the house. The Court therefore

affirm the decrees of the lower courts but  
inasmuch as the fact of the unity or separation  
of the family has not been determined by the  
District Judge <sup>the court</sup> declare that this decree is made  
without prejudice to any rights which the Defendant  
may be able to establish in a separate suit  
after she shall have quitted possession,  
or which her son may be able to establish  
at any time. (acts) she bears of special app.  
(Deft.) Shewers.

Attest: Attest  
Attest: Attest

Attest: Attest  
Attest: Attest

MEMORANDUM OF COSTS incurred in Special Appeal No. 919

of 186 *A* against the decision of the *Acting Judge* of the District of *Proua* — and disposed of on the *6<sup>th</sup>* February 1865 by *affirming the same*.

BY THE APPELLANT—

IN THE DISTRICT.

In the <i>Moonsiff's Court</i> .....	17	<i>A</i>	✓	
In the <i>Judge's Court</i> .....	28	<i>15/11</i>	✓	
				<i>463 11 5</i>

IN THIS COURT.

Stamp for Memorandum of Special Appeal .....	16		✓	
Stamps for copies of Decree and Judgment .....	3		✓	
Stamp for <sup><i>two</i></sup> Vukalutnama .....	4		✓	
Stamp of an application to enter the name of the Appellant's heir .....	0	0	0	
Batta for Process and Postage .....	2	2	✓	
Sectioner's Fee .....	"	15	7	✓
Vukeel's Fee .....	9	"	"	<i>35 1 7</i> ✓

Rupees.... *81 5 6* ✓

BY THE RESPONDENT—

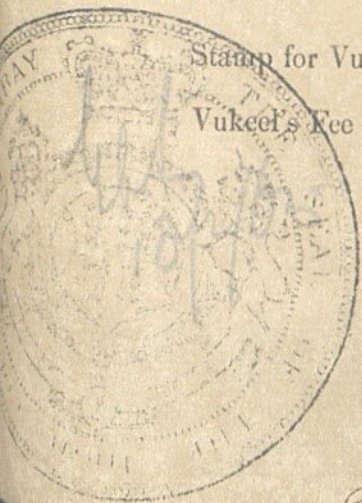
IN THE DISTRICT.

In the <i>Moonsiff's Court</i> .....	33	<i>12</i>	✓	
In the <i>Judge's Court</i> .....	10	"	✓	
				<i>43 12</i> ✓

IN THIS COURT.

Stamp for Vukalutnama .....	2		✓	
Vukeel's Fee .....	9		✓	
				<i>11</i> ✓

Rupees.... *54 12* ✓



*[Signature]*  
*The 6<sup>th</sup> day of February 1865.* Registrar