

In the High Court of Judicature, Bombay.

Monday, the 13 day of July 1865

SPECIAL APPEAL No. 942 - of 1864

Dhaji wulud Balaji of the Ahmednagar District.

Appellant

(Original Defendant)

versus

Darbar Aijunji Patil Kothkar of the Ahmednagar District.

Respondent

(Original Plaintiff)

Rs. 10-2-0

The claim in the Original Suit was to establish the Plaintiff's title to 1/3 the lands in the office of Patil at Buthroliwaday

In Appeal No. 257 of 1864 the Judge of the District of Ahmednagar - pronounced the Decree of the Appeal at Mahason who had rejected the claim and decreed for the Plaintiff

A Special Appeal was preferred in the High Court on the grounds that (1) the decision of the District Judge is against law in that the claim is barred by the statute of limitation: that (2) the lower court having held

held that the Plaintiff had his share of the  
official service land, committed an error in  
laying the onus of proving separation of in-  
terests on the Defendants with reference to  
the property claimed; that (3) the claim  
is barred by act XI of 1843; that (4) the Lower  
Court erred in granting an injunction "according  
to the custom of the village, without laying  
down an issue as to the nature of that custom,  
and recording its finding thereon; that (5) the  
Lower Court's decree is therefore indefinite; that (6) the  
issue raised was that the Special appellant (Def't)  
as the representative of the eldest branch of the family,  
was, according to usage, entitled to the honors  
he claimed and if the suit was held not to be  
barred this issue ought to have been decided.

The Court  
reversed the decree of the District  
Judge and confirmed that of  
the Appellant with costs on the  
plaintiff throughout

R Couch  
Plaintiff

J. M. M. M.

MEMORANDUM OF COSTS incurred in Special Appeal No. 942

of 1864 against the decision of the Judge of the District of Ahmednagar and disposed of on the 13<sup>th</sup> February 1865 by reversing the decree of <sup>the</sup> Judge and confirming that of the Moonieff.

BY THE APPELLANT—

IN THE DISTRICT.

In the Moonieff's Court	5	35		
In the Judges Court	"	12	10	
				6 " 3.

IN THIS COURT.

Stamp for Memorandum of Special Appeal	1	"	"	
Stamps for copies of Decree and Judgment	2	"	"	
Stamp for Vukalutnama	2	"	"	
Stamp of an application to enter the name of the Appellant's heir	3	"	"	
Batta for Process and Postage	1	1	"	
Sectioner's Fee	1	9	6	
Vukeel's Fee	"	4	10	7 15 4

Rupees.... 13. 15 7

BY THE RESPONDENT—

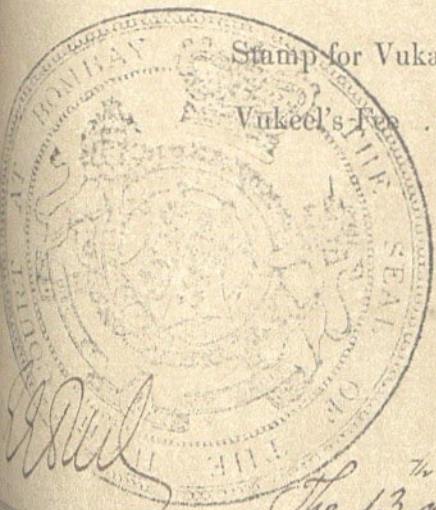
IN THE DISTRICT.

In the Moonieff's Court	4	4	00	
In the Judges Court	2	10	10	6 15 8

IN THIS COURT.

Stamp for Vukalutnama	2	"	"	
Vukeel's Fee	"	4	00	2 4 00
				9 4 6.

Rupees.... 9 4 6.



*[Signature]*  
The 13<sup>th</sup> day of February 1865.

*[Signature]*  
Registrar