

In the High Court of Judicature, Bombay.

Thursday, the 9 day of February 1864

SPECIAL APPEAL No. 943 OF 1864

Allarkia walund Bala Boobe
re of the Konkan District

Appellant

(Original Plaintiff)

versus

Tania bin Bhuia Katode of
the Konkan District

Respondent

(Original Defendant)

Rs. 4

The claim in the Original Suit was to ^{to obtain} cause removal of a fence & possession of an acre of ground which was part of the ground purchased by him in 1783; but which Tania had a year ago enclosed & occupied -

In Appeal No. 118 of 1864 the ^{Assistant Judge} of the District of ^{the Konkan} at ^{Saumali} affirmed the Decree of the ^{Magistrate at Bhivandur} who had had thrown out the claim -

A Special Appeal was preferred in the High Court on the grounds that (1) the ^{Assistant} Judge was wrong in point of law in determining that Mahadiya was not owner of the land in question, Mahadiya not being a party to the

the suit that [2] the land in question being in-
cluded in the deed of Sale N. 3, the lower courts
were wrong in point of law in admitting evidence
to the effect that it was not sold thereby that [3] I
Tania having in exhibit N. 7 admitted his
occupancy to be only of 1/2 year's duration the
assistant judge was wrong in holding his occu-
pancy to be of more than 20 years' duration
and that [4] the assistant judge was wrong
in point of law to hold, in the absence of all
legal evidence, that "the annexation of this ground
to the field brought by Alarkia in the deed and
Razinama was an error."

The Court can find the decree of the
deputy judge with costs on appeal.

A. M. T. Forbes.

A. M. T. Forbes.

MEMORANDUM OF COSTS incurred in Special Appeal No. 943

of 186 A against the decision of the *Assist^g Judge* of the District of *the Kankur* and disposed of on the *9 February 1865* by *confirming the same with costs.*

BY THE APPELLANT—

IN THE DISTRICT.

In the <i>Mousiff's Court (including V. L.)</i>	5. 14. 7	✓	
In the <i>Assist^g Judge's Court</i>	3. " 7	✓	
			8. 15 2. ✓

IN THIS COURT.

Stamp for Memorandum of Special Appeal	1 " "	✓	
Stamps for copies of Decree and Judgment	2. 8 " "	✓	
Stamp for Vukalutnama	2 " "	✓	
Stamp of an application to enter the name of the Appellant's heir	0 0 0		
Batta for Process and Postage	1 " "	✓	
Sectioner's Fee	1 5 9	✓	
Vukeel's Fee	" 1 11	✓	
			7 15 8 ✓

BY THE RESPONDENT—

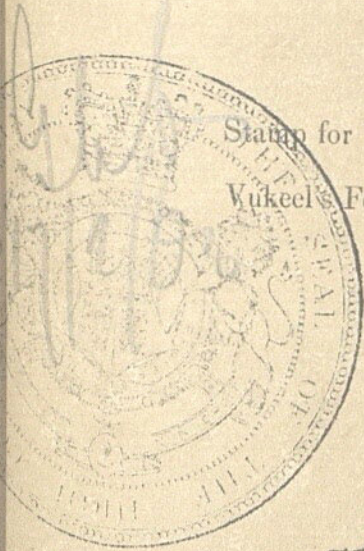
Rupees.... 16. 14. 10. ✓

IN THE DISTRICT.

In the <i>Mousiff's Court</i>	2. 9. 7	✓	
In the <i>Assist^g Judge's Court</i>	1. " 1	✓	
			3. 9 8 ✓

IN THIS COURT.

Stamp for Vukalutnama	0 0 0		
Vukeel's Fee	0 0 0		
			0 0 0
			Rupees.... 3. 9. 8 ✓



[Signature]
The 9th day of February 1865.
[Signature]
 Sealer Registrar