

In the High Court of Judicature, Bombay.

Wednesday, the 22 day of July 1865

SPECIAL APPEAL No. 944 — OF 1864

Karzee Meeya wulud Karzee Ameer and
Karzee Isa wulud Karzee Hoossein and
Karzee Kureem wulud Karzee Bapoo of
the Rutnagiri Division of the
Konkan District (Original Defendants)

Appellants.

versus

Naro Venayat. Agashay by his
Mookhtiar Bhikaji Joshi of the
Rutnagiri Division of the Kon-
kan District — (Original Plaintiff.)

Respondent

Rs. 19 - 6 - 10

The claim in the Original Suit was to

establish a right to
redeem a certain piece of land mort-
gaged to the Dept on payment of the
amount due

In Appeal No. 466 of 1863 the Senior Judge
of the District of the Konkan at Rutnagiri reversed
the Decree of the Subordinate Judge at Rutnagiri who had

thrown out the claim and decreed for
redemption on payment of the amount
due.

A Special Appeal was preferred in the High Court on the grounds that (1) the Senior

Assistant Judge was wrong in admitting secondary
evidence without any foundation being laid
for its admission, that (2) there was no legal
evidence

evidence of the property being mortgaged to
Defendants, that (3) the Sr. assist. Judge has
misconstrued Exhibit N. (the 9th law), that
(4) the Sr. assist. Judge has relied upon hearsay
evidence, and that (5) the Sr. assistant Judge has
disposed of the case not upon any legal evidence
but upon mere conjecture.

By
The Court Confess

the decree of the Senior Assistant
Judge with costs.

R Couch

A W Ma

