

In the High Court of Judicature, Bombay.

Wednesday, the 21 day of June 1865.

SPECIAL APPEAL No. 947 of 1864.

Vishwanath Punalal Ch. deceased by his heir Vishnoo a minor by his guardian Kasinath Punalal of the South Kan District (Original Plaintiff)

Appellant

versus

Vishwanath Chintaman and Sukharan Vishwanath of whom Vishwanath deceased his heirs and sons Huri and Govind of the South Kan District (Original Defendants)

Respondents

Rs. 105 - " - "

The claim in the Original Suit was to recover possession of certain ground alleged to have been encroached on by the Deft and to cause certain windows to be closed as ~~being~~ constituting a breach of an agreement.

In Appeal No. 137 of 1864 the first Judge of the District of the South Kan at Tanjore amended the Decree of the ~~clerk~~ at Kadian who had ordered two windows to be closed, but rejected the claim for recovery of the ground claimed, by further ordering a door also to be closed.

A Special Appeal was preferred in the High Court on the grounds that ~~the decision~~ the decision of the Assistant Judge appealed against is ~~that~~ that (1) is contrary to law in that

(a) The lower Courts refused to enforce the conditions of the agreement No. 17 passed between

between the parties.

(b) The Assistant Judge was wrong in admitting oral evidence to contradict and vary the terms of the written agreement.

By the Court

Confirm the decree of the Assistant Judge with costs

R Couch

A. D. Ward

MEMORANDUM OF COSTS incurred in Special Appeal No. 947

of 1864 against the decision of the *assist^t judge* of the District of *the Nonkumand* disposed of on the 21st June 1865. by *confirming the same.*

BY THE APPELLANT—

IN THE DISTRICT.

In the <i>Moonsiffs court</i>	38	8	"			
In the <i>assist^t Judge's court</i>	17	7	2			
					55	15 2

IN THIS COURT.

Stamp for Memorandum of Special Appeal	8	"	"			
Stamps for copies of Decree and Judgment	3	8	"			
Stamp for Vukalutnama	2	"	"			
Stamp of an application to enter the name of the <i>Respts</i> Appellant's heir	2	"	"			
Batta for Process and Postage	4	10	"			
Sectioner's Fee	2	1	11			
Vukeel's Fee	3	2	5		25	6 4

Rupees.... 81 5 6

BY THE RESPONDENT—

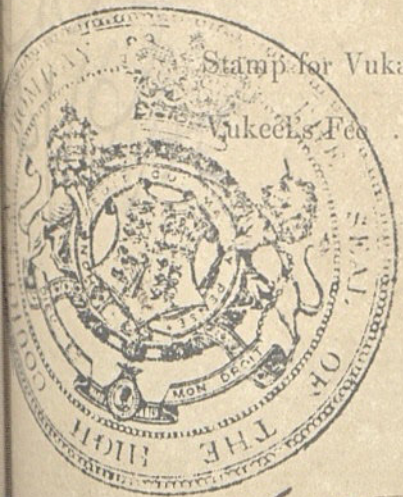
IN THE DISTRICT.

In the <i>Miffs court</i>	24	"	"			
In the <i>assist^t Judge's court</i>	5	5	7			
					29	5 7

IN THIS COURT.

Stamp for Vukalutnama	2	"	"			
Vukeel's Fee	3	2	5		5	2 5
					34	8 "

Rupees.... 34 8 "



W. D. ...
Register
 The 21st day of June 1865