

Poona & Solapur

In the High Court of Judicature, Bombay.

Tuesday, the 1 day of July 1864.

SPECIAL APPEAL No. 95 — or 1864.

Santaji and Samaji his
Vijayrao and Bhagwant
his Bapurao of these
Santaji deceased his son and
his Madhwarao of the
Poona District

Appellants,

(Original Plaintiffs.)

versus

Ganputrao his Ranaji and
Giriji and Purvatrao and
Shreeputrao his Nursingrao
and Vitutrao and Khund-
rao his Madhwarao Patil
Deshmukh of the Poona
District

Respondents,

(Original Defendants)

Rs. 4-8-0

The claim in the Original Suit was to ^{revoke possession}
of 1/2 field being heretofore ^{held}

In Appeal No. 002 of 1832 the ^{Acting Judge}
of the District of ^{Poona} at ^{Poona} confirmed ^{the}
the Decree of the ^{Joint-Acting Judge} who ^{had thrown out the}
claim.

A Special Appeal was preferred in the High Court on the grounds that (1) it is
the decision of the ^{Acting Judge} is
contrary to law that the ^{Acting Judge} has
totally misconstrued Document exhibit
N^o. 18 in holding that under it, the Res-
pondents became absolute proprietors
of

of the land in dispute, that (2) the
Sitting Judge has erroneously held all
the Appellants liable by the admission
of one of their number; that (3) the
Sitting Judge has erroneously held the
document Exhibit No. 18 proved on the
evidence of a witness who recognised
the handwriting of the Scribe who
engrossed it, and from the circumstan-
ces of the case "this being insufficient
in law for that purpose; and that (4)
there has been a substantial error in
law in the investigation of the case
which has produced error in the deci-
sion of the case on its merits in that
the Sitting Judge proceeded to judg-
ment without first receiving all the
evidence tendered by Appellant, and
improperly rejected by the Court of
first instance.

The Court confirm the
Decree of the S. J. with costs -

H. P. by Dickson

Lawrence Waples

Bill of Costs

By the Appellants

In the District

In the Moonseff's Court (including
v. Fee) — 17. 2. 7

In the Judges' Court (including v. Fee) — 3. 5. 2

20. 7. 9

Concedo — 20 7. 9

Brought-over Rupees ——— 20 7.9

In this Court

Stamp for memo. of Special appl. ———	1. 11. 4	
Stamps for copies of decree & judg ^{ts} ———	2. 8. 11	
Stamp for Vukhatnamma ———	2. 11. 1	
Gratta for Process and Postage ———	2. 12. 11	
Sectioner's Fee ———	1. 5. 6	
Vukhel's Fee ———	" 22	9. 11. 8

Rupees — 30. 3. 5

By the Respondents

In the District

In the Moonseiff's Court ———	9. 11. 1	
D ^o Judges' Court ———	1. 3. 1	10. 3. 2

In this Court

Stamp for Vukhatnamma ———	2. 11. 1	
Vukhel's Fee ———	" 22	2. 2. 2

Rupees — 12. 5. 4



L. G. G. G.
Acting Registrar

L. G. G. G.
Sealer

The 1st day of July 1864.

Received

To be trans

2/

4/July 1878

Trans

1878

4/July

John Brown

John Brown
July 1878

3032
37 201 20
20



Presented to the Court
month of September 1864
8/18/1864
presented in original
D. S. M. S.

In the High Court of Judicature
Bombay.

Present
Honble Mr. Justice Tucker
&
Honble Mr. Justice Gurnardham

Petition for Review of Courts Judgment
= ment in Special Appeal No. 95 of 1864
delivered on the 1st July 1864.

Assembly Sheweth The humble petition of Shywantrao Bajerao
inhabitant of Bajerao Zilla Poona

1. That this Honble Court misconstrued
the document No. 18 in holding that under
it the respondent is not a mortgagee but
absolute proprietor of the land in dispute.

Shri Gopal Nathurao
Cashed for the Petitioner

Civil No. 6 Shywantrao Bajerao
V. Mr. Shrinipalk Nathurao
6th October 1864

Refer to Mr. Justice Tucker

1st Assistant Registrar

~~James [unclear]~~ Petition granted

~~James [unclear]~~
9/20/64
[Signature]

7/10/64