

In the High Court of Judicature, Bombay.

Fri day, the 10th day of February 1865.

SPECIAL APPEAL No. 957 of 1864.

Pandoo Yesso Sett of the
Kontkun District.

Appellant

(Original Plaintiff)

versus

Kootur Khundoo deceased by his son
and heir Devji and widow Kalia
and Narayun Boodh Patil a minor
by his guardian and mother Maha
-di of the Kontkun District.

Respondents.

(Original Defendants)

Rs. 30-0-0

The claim in the Original Suit was to recover possession of a field,
which Plaintiff had purchased, but which had
remained in Dept's name ~~and~~ and
accordingly been made over ~~to~~ the Collector.

In Appeal No. 97 of 1864 the ~~case~~ Judge
of the District of ~~the~~ Kontkun at ~~Tanung~~ ~~conformed~~
the Decree of the ~~Sup. J. Panu~~ who had thrown out the claim.

A Special Appeal was preferred in the High Court on the grounds that (1) according
to the Hindoo Law it was competent to Kootur
Khundoo to sell the land in dispute and the
Respondent has admitted the sale as is proved
from

from exhibit Nos 4-5-6 & 7 whereas the Appellant's claim was thrown out that (2) a substantial error in law has occurred in the investigation of the case which has produced an error in the decision of the case on its merits, in that Boodhia having in exhibit No 55 admitted that the Appellant had a proprietary right to the land his [Appellant's] right was not affected by the land not having been transferred to his name, whereas the decision was given contrary to the said admission and that (3) altho: the usual measures were taken under exhibits Nos 54/56 to get the land transferred to the Appellant's name the same was not done owing to the negligence of the Govt officers, but by this the Appellant's right was not affected and therefore it was an error to have thrown out the claim.

The Court confirms the decree of the District Judge.

Costs on Special Appellant.

Abhinav Forbes.

APV Forbes,

MEMORANDUM OF COSTS incurred in Special Appeal No. 957.

of 1864 against the decision of the *Asst^d Judge* of the District of *The Nankar* and disposed of on the *10th February 1865* by *confirming the same with costs*

BY THE APPELLANT—

IN THE DISTRICT.

In the <i>Moonseiff's Court</i>	37	7	11	✓
In the <i>Asst^d Judge's Court</i>	5	8	11	✓
			43	10 ✓

IN THIS COURT.

Stamp for Memorandum of Special Appeal	2	"	"	✓
Stamps for copies of Decree and Judgment	2	8	"	✓
Stamp for ⁽²⁾ Vukalutnama	4	"	"	✓
Stamp of an application to enter the name of the Appellant's heir		"	"	✓
Batta for Process and Postage	1	14	"	✓
Sectioner's Fee	2	3	6	✓
Vukeel's Fee	"	14	5	✓
			13	7
			13	7
Rupees....	56	8	9	✓

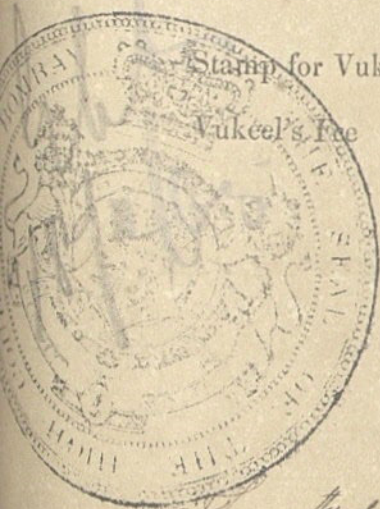
BY THE RESPONDENT

IN THE DISTRICT.

In the <i>Moonseiff's Court</i>	9	8	10	✓
In the <i>Asst^d Judge's Court</i>	3	13	10	✓
			13	6

IN THIS COURT.

Stamp for Vukalutnama	2	"	"	✓
Vukeel's Fee	"	14	5	✓
			2	14
Rupees....	16	5	1	✓



J. D. J.
Sealer

R. West
Registrar

The 10th day of February 1865.