

In the High Court of Judicature, Bombay.

Monday, the 16 day of July 1865.

SPECIAL APPEAL No. 958 — OF 1864.

Daji Laddu Raje
of the Konkan Dis-
-trict — (Original Plaintiff)

Appellant

versus

Haji Bahaorau Raje
of the Konkan Dis-
-trict — (Original Defendant)

Respondent

Rs. 55-0-0

The claim in the Original Suit was to

obtain an injunction against
the removal away by the Puff's house by
the tenants to residing in the Dept's house

In Appeal No. 169 of 1864 the
of the District of the Konkan at
the Decree of the 1st Judge who

claims

Judge
Ganna consigned
had thrown out the

A Special Appeal was preferred in the High Court on the grounds that the decision

of the District Judge is contrary to

to law in that,

(a) The Court below has mis-
construed exhibit N^o. 14 in hold-
ing that it reserves an absolute
right of way in respect of all
tenements whatever whereas
the right of way ~~reserved~~^{reserved} was
only in respect of the tenements
passed to the opposite party &
by the said exhibit.

(b) The Court below has mis-
read the Claim, for it only de-
nies to the opposite party a
right of way in respect of a
tenement to which the said
right of way was not appurte-
nant.

(c) The open space set a-
part for the opposite party
by the exhibit N^o. 14 being
the only dominant tenement,
in respect of the right of way
the Court below has erred in
extending the said easement
without any enquiry as to
whether, and how, the right &

to

to such extent was required.

The Court awards the
decrees of the Court below and decrees
for the Plaintiff according to his claim
with costs throughout

R Couch

H. C. W. M.

A. M. W. M.

MEMORANDUM OF COSTS incurred in Special Appeal No. 958

of 186 4 against the decision of the Judge _____ of the District of *The Nontun* and disposed of on the 16 February 1865 by *reversing the same and decreeing for the Plaintiff*

BY THE APPELLANT—

IN THE DISTRICT.

In the <i>Assistant Judge's Court</i> ———	19	15	5		
In the <i>Judge's Court</i> ———	9	4	11		
				29	44

IN THIS COURT.

Stamp for Memorandum of Special Appeal	4	"	"		
Stamps for copies of Decree and Judgment	3	"	"		
Stamp for ⁽²⁾ Vukalutnama	4	"	"		
Stamp of an application to enter the name of the Appellant's heir	3	"	"		
Batta for Process and Postage	1	1	"		
Sectioner's Fee	3	7	9		
Vukeel's Fee	1	0	5	7	3
				46	76
	Rupees....			46	76

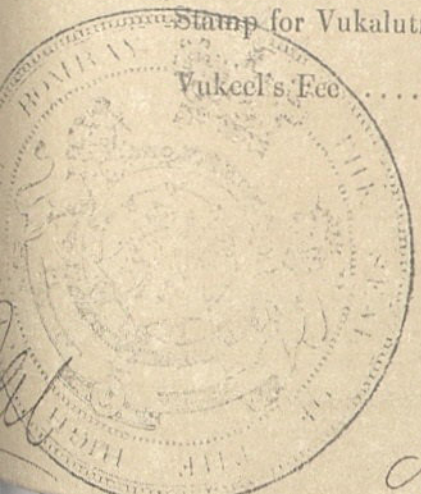
BY THE RESPONDENT—

IN THE DISTRICT.

In the <i>Assistant Judge's Court</i> ———	24	3	5		
In the <i>Judge's Court</i> ———	2	0	5		
				26	13

IN THIS COURT.

Stamp for Vukalutnama	4	"	"		
Vukeel's Fee	1	0	5	5	10
				32	83
	Rupees....			32	83



W. J. ...
The 16th day of Feb. 1865. Registrar