

In the High Court of Judicature, Bombay.

Two day, the 7th day of March 1864.

SPECIAL APPEAL No. 965 OF 1864

Durgapa Mulud Adapa
of the Solapoor Division
of the Kuldghi District
(Original Defendant)

Appellant

versus

Jaiapa Mulud Raiapa of
the Solapoor Division of the
Kuldghi District

Respondent

(Original Plaintiff)

Rs. 197-8-00

The claim in the Original Suit was to ~~have~~ before an alleged agree-
ment to transfer ~~of~~ the ~~land~~ ~~to~~ the ~~plaintiff~~ or a ~~forfeit~~
ten times the rent ~~or~~ ^{not} to ~~pay~~ ~~the~~ ~~amount~~ ~~of~~ ~~Rs~~ ~~127~~ ~~8~~
to ~~the~~ ~~amount~~ ~~of~~ ~~Rs~~ ~~127~~ ~~8~~

In Appeal No. 96 of 1864 the Acting Judge
of the District of Solapoor ~~has~~ amended
the Decree of the ~~Magistrate~~ ~~of~~ ~~Solapoor~~ who ~~has~~ thrown out the
claim by awarding damages

A Special Appeal was preferred in the High Court on the grounds that (1) the decision of
the Acting Magistrate is contrary to law, in-
~~appealed against~~ ~~and~~ (2) that the agreement
referred upon although held to be genuine,
is void as being a nudum pactum

(2) that the amount of ten times the annual
rent, being in the nature of a penalty, is
irrecoverable. (3) that the agreement is
void as being insufficiently stamped.

The Court
reverses the decree of the Court
below and remands the cause
for retrial, and a new decree
upon the merits. Costs to follow
the final decision.

R Couch
Hester,

A. M. Maiden

MEMORANDUM OF COSTS incurred in Special Appeal No. 985

of 186 4. against the decision of the Dist^l Judge of the District of Sholapoor and disposed of on the 7th March 1865 by remanding the same for retrial

IN THIS COURT.

BY THE APPELLANT—

Stamps for copies of Decree and Judgment	3 8 "
Stamp for Vukeelutnama	2 " "
Batta for Process and Postage	1 12 "
Sectioner's Fee	" 9 "
Vukeel's Fee one-fourth	1 78

Rupees 9 48

BY THE RESPONDENT—

Stamp for Vukeelutnama	2 " "
Vukeel's Fee one-fourth	1 78

3 78

Rupees 3 78



Adlumash
For Sealer

Wish
Registrar

7th day of March 1865.

Spurd Certificate on Her Majesty's
Treasury the Bank of Bombay for the
refund of Rupees six teen (16) being
the value of the stamp used for the
cial app^{ts} in this case

7th March 1865

W. S.
Registrar

Ed. H. S.

Certificate given to the Bank of Bombay

For the Bank of Bombay
7th March 1865

~~विद्यार्थिनामनिर्देशः~~

~~श्री १४ वृत्त ७ अक्षर ७ माला~~

~~रत्नविद्यालय १९६६~~

~~धृष्ट्या १४ वृत्त ७ अक्षर ७ माला~~

~~श्री १४ वृत्त ७ अक्षर ७ माला~~

(७ माला)

७ माला

श्री १४ वृत्त

~~श्री १४ वृत्त ७ अक्षर ७ माला~~

~~श्री १४ वृत्त ७ अक्षर ७ माला~~

(७ माला)

७ माला

श्री १४ वृत्त - १९६६

~~श्री १४ वृत्त ७ अक्षर ७ माला~~

~~श्री १४ वृत्त ७ अक्षर ७ माला~~

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~~श्री १४ वृत्त ७ अक्षर ७ माला~~

~~द्वयं न विधीत इति चेन्न एतन्मतेऽपि (१) अः~~

~~आद्ये एतन्मतेऽपि न विधीत इति चेन्न एतन्मतेऽपि (१) अः~~

~~अथ अत्र विधीत इति चेन्न एतन्मतेऽपि (१) अः~~

~~अथ अत्र विधीत इति चेन्न एतन्मतेऽपि (२) अः~~

~~अथ अत्र विधीत इति चेन्न एतन्मतेऽपि (३) अः~~

~~अथ अत्र विधीत इति चेन्न एतन्मतेऽपि (४) अः~~

~~अथ अत्र विधीत इति चेन्न एतन्मतेऽपि (५) अः~~

~~अथ अत्र विधीत इति चेन्न एतन्मतेऽपि (६) अः~~

~~अथ अत्र विधीत इति चेन्न एतन्मतेऽपि (७) अः~~

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Transcribed by

Pat. 18/10/19

