

20th June

In the High Court of Judicature, Bombay.

Monday, the 14th day of July 1865.

SPECIAL APPEAL No. 900 of 1864.

Bapoojiar bin Apajirav and Keshur-
-war bin Sunajirav deceased his son and
-his heir Herbert and Keshur bin Saru-
-jirav and Vitajirav bin Balajirav +
-and Bapoojiar bin Baboorav and +
-Apajirav bin Chhotajiwar alias Sub-
-hojiwar Chosalkur Khoti and Rans-
-sott bin Narayen Shet Botherav
-Khoti of the Rutnagiri Division +
-of the Konkan District (Original Plaintiffs -)

Appellants,

versus

Moro Buhirav Karle and Babaji Gopal
Karpe and Vishnu Mcheshwar and
-Balaji Sansorung Dangle, and Bas-
-oji Ramchander and Gungad-
-pur Ramchander Dangle, and Daji
-Savind Dangle and Shivram Ged-
-meshwar Dangle and Balaji +
-Wassorer Dangle of the Rutnagiri
-Division of the Konkan Dis-
-trict (Original Defendants)

Respondents,

Rs. 283-11-11

The claim in the Original Suit was to enforce the release of
-the lands mortgaged in favor of the plaintiff of the
-Depts on payment of the amount due on account
-of the mortgage

In Appeal No. 147 of 1864 the Senior Ass't Judge
-of the District of the Konkan at Rutnagiri modified
-the Decree of the Magistrate who had awarded restoration
-of the land on payment of Rs 700 (the plaintiff) by decreeing
-for redemption on payment of Rs 750 within six
-months

A Special Appeal was preferred in the High Court on the grounds that (1) the deci-
-sion of the Senior Assistant Judge is
-is contrary to law in that he has
-erroneously held that he could not in
-this

this action determine the issues raised by Respondents Viz: - whether they held any and what lands in the Village as proprietors under the Cowla produced by them or otherwise, that (2) the Senior Assistant Judge has improperly admitted a copy of a mortgage deed in evidence, it appearing that the original is still in existence, that (3) the Senior Assistant Judge has improperly held that the amounts specified in the deeds exhibits 10-56-9-104, and 105 to be charges in the way of mortgage against the estate in question, they not being so, that (4) the Senior Assistant Judge has erred in awarding to Respondents more than three years' interest, the same being barred by the new Act for limitation of suits, or at all events in awarding more than 6 years interest under Regulation V of 1827; that (5) the Senior Assistant Judge has not made Respondents account for the Rents, and Profits of the Estate mortgaged during the time they have been

been in possession: and that (b) generally the Senior assistant Judge erred in awarding Respondents a greater sum than was admitted by Appellants.

The Court amend the decree of the Court below by awarding compound interest for the period of six years at the rates agreed upon on the principal sums which bore interest instead of the interest awarded in the decree. Costs in proportion.

R Couch

A Warden

MEMORANDUM OF COSTS incurred in Special Appeal No. 966

of 1864 against the decision of the Senior App^t Judge of the District of the Konkun and disposed of on the 26th June 1865 by amending the same

BY THE APPELLANT

IN THE DISTRICT.

In the Moonsiff's Court	49	10		
In the Senior Assistant Judge's Court	8	15	10	
			58	8

IN THIS COURT.

Stamp for Memorandum of Special Appeal	16	"	"	
Stamps for copies of Decree and Judgment	3	"	"	
Stamp for Vukalutnama	2	"	"	
Stamp of an application to enter the name of the Appellant's heir	"	"	"	
Batta for Process and Postage	6	6	"	
Sectioner's Fee	2	15	3	
Vukeel's Fee	8	7	10	
			38	13
			1	
			96	13
			9	
			Rupees	

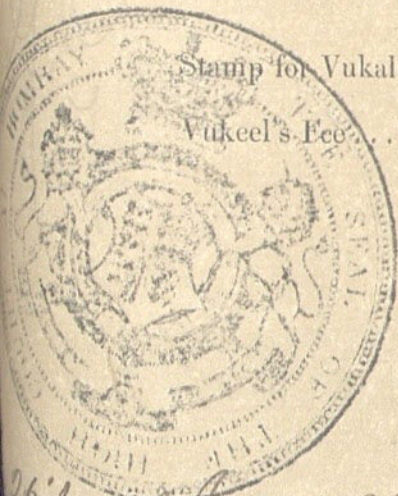
BY THE RESPONDENT

IN THE DISTRICT.

In the Moonsiff's Court	67	10	10	
In the Senior Assistant Judge's Court	29	15	10	
			97	10
			8	

IN THIS COURT.

Stamp for Vukalutnama	2	"	"	
Vukeel's Fee	8	7	10	
			10	7
			10	
			108	2
			6	
			Rupees	



W. S. Seal
Sealer

R. West
Registrar

26th day of June 1865.