

In the High Court of Judicature, Bombay.

Janus day, the 16 day of Febry 1865.

SPECIAL APPEAL No. 971 of 1864

Chinto Sukharan Sapta =  
= deceased by his son  
Vishnuo of the Poona Dis-  
trict (Original Plaintiff)

Appellant

versus

Surtaji bin Kundaji  
of the Poona District  
(Original Defendant)

Respondent

Rs. 60 - " - "

The claim in the Original Suit was to *Resore the terms of*  
*a deed of gift of a plot of ground*

In Appeal No. *58* of 1864 the *Princ. S. Amin*  
of the District of *Poona* = *confirmed*  
the Decree of the *Sudder Amin* who *had thrown out*  
*the claim*

A Special Appeal was preferred in the High Court on the grounds that *the decision*  
*of the Principal Sudder Amin is contrary*  
*to law in that.*

(a) The Court below has decided  
*Contrary*

*Journal*

*Magister*

(Contrary to the terms of the deeds) that because the Appellant was not a Wakel or Mookhtyar for the opposite party he did not do any service sufficiently great to merit a grant of land.

(b) The Court below has entered into the adequacy of the consideration.

(c) The Court below has presumed an illegal consideration whilst it was the duty of the party that alleged it to prove such consideration for the avoidance of the instrument.

(d) The Court below has held the document void as being against usage in that the boundaries &c. of the land granted are not specified therein the site having been sufficiently indicated in the instrument for the purpose of identification, and no evidence of any usage having been adduced.

By the Court  
decreed of the J. S. Anand and S. Anand  
the cause for appeal and a

new decree upon the merits  
ought to follow the final decision

R. Couch  
H. Newth.

A. Marden

MEMORANDUM OF COSTS incurred in Special Appeal No. 971  
of 1864 against the decision of the *Principals* of the  
District of *Poona* and disposed of on the 16 February 1865  
by *remanding the same for retrial*.

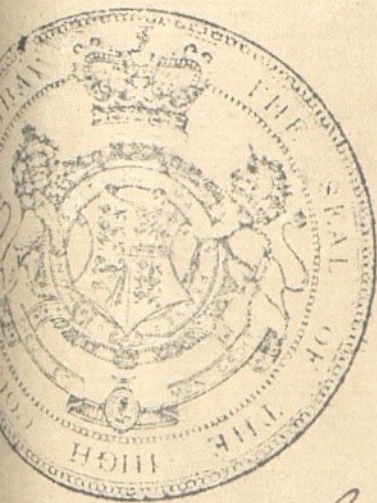
IN THIS COURT.

BY THE APPELLANT—

Stamps for copies of Decree and Judgment .....	3	..		
Stamp for Vukeelutnama .....	2	..		
Batta for Process and Postage .....	"	13		
Sectioner's Fee .....	"	13		
Vukeel's Fee one-fourth .....	"	72		
			7	15
			Rupees....	7 15

BY THE RESPONDENT—

Stamp for Vukeelutnama .....	2	..		
Vukeel's Fee one-fourth .....	"	72		
			2	72
			Rupees....	2 72



*W. J. ...*  
Sealer

*P. West*  
Registrar

This 16<sup>th</sup> Day of February 1865.

Issued a certificate on Her Majesty's Treasury  
the Bank of Bombay for the refund of Rupees  
(4) four only being the value of stamp used  
for Special appeal in this case.

Dated the 16<sup>th</sup> February 1865

*(Signature)*

*(Signature)*  
Registrar.

*Certificate for the Bank of Bombay*

*10*  
*10*  
*10*

*10*

*10*

*10*