

In the High Court of Judicature, Bombay.

Thursday, the 2 day of March 1865.

SPECIAL APPEAL No. 977 - of 1864.

Ghivatyapa beiv Bawa  
- anupa Patil of the Kullad  
- ghee District. (Original Defendant)

Appellant

versus

Balapa beiv Dado -  
- pa Patil of the Kullad ghee  
District - (Original Plaintiff)

Respondent

Rs. 10. 0. 0.

The claim in the Original Suit was to recover possession of half a field alleging that the field in question had been entered into in his name by the defendant in the year 1855 but that in 1861 the deft had obstructed him in cultivating it.

In Appeal No. 977 of 1864 the actual Judge of the District of Sholapur - at Sholapur confirmed the Decree of the ~~judge~~ who had decreed in favour of the plaintiff.

A Special Appeal was preferred in the High Court on the grounds that (1) as such a substantial error in law has occurred in the investigation of the case in which

which has produced an error in the decision of the case on its merits, - in that the Respondent having admitted in the plaint that after division he lived separate for 35 years, and there being two pieces of ancestral lands, and one of them being held by the Appellant and the other by the Respondent, the lower Court was in error in awarding to the Respondent a share in the lands in the Appellants' possession, and that (2) the lower Court should not have given the decision without examining the witnesses of the Appellant mentioned in the applications Nos 9 and 21, since had the witnesses been examined, the Court would have thrown out the claim.

The Court confirms the Decree of the  
Jt. Judge with costs on Appl. App't  
Attuloch Forbes  
J. Newton.

MEMORANDUM OF COSTS incurred in Special Appeal No. 977

of 186 4 against the decision of the acting judge of the District of Sholapoor and disposed of on the 2<sup>nd</sup> March 1865 by confirming the same.

BY THE APPELLANT—

IN THE DISTRICT.

In the <i>Juff's Court</i> [including V. Fee]—	1	7	✓		
In the <i>Judge's Court</i> [including V. Fee]—	2	9	✓		
				4	6 ✓

IN THIS COURT.

Stamp for Memorandum of Special Appeal .....	1	"	✓		
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 .....	1	1	✓		
Sectioner's Fee .....	"	7	✓		
Vukeel's Fee .....	"	5	✓	7	13 ✓
				11	13 ✓

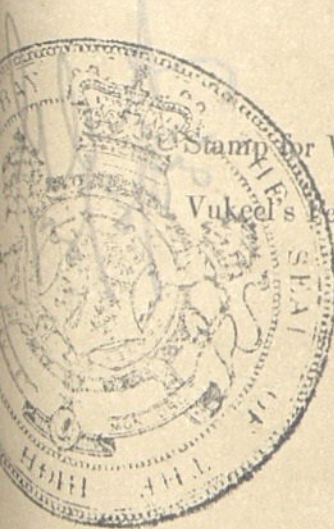
BY THE RESPONDENT—

IN THE DISTRICT.

In the <i>Moonsiff's Court</i> .....	7	15	✓		
In the <i>Judges Court</i> .....	1	5	✓		
				9	4 ✓

IN THIS COURT.

Stamp for Vukalutnama .....	2	"	✓		
Vukeel's Fee .....	"	5	✓	2	5 ✓
				11	9 ✓



*W. Rust*  
 Sealer

*P. West*  
 Registrar

The 2<sup>nd</sup> day March 1865.