In the High Court of Judicature, Bombay.

Now day, the 6 day of March 1865.

SPECIAL APPEAL, No. 989 — of 1864.

Gunao Wulud Chundr Shaw Shroffe of the Ah- mednuggur District (Original Defendant) — Appellant,

versus

Vitoo and Ramji and Annaji and Sukhaji Wulud Govindrao Kapse of the Ahmednuggur District — (Original Plaintiffs) — Respondents.

Rs. 32 — a — p —

The claim in the Original Suit was to recover possession of a building & Rs wrongfully occupied by the Defts

In Appeal No. 270 of 1864 the Judge of the District of Ahmednuggur who confirmed the Decree of the Asst at Rahoon had decreed for the Claim

A Special Appeal was preferred in the High Court on the grounds that (1) the decision of the District Judge is against the law in that, the second point has been wrongly

wrongly laid, it should have been "if the Plaintiffs do establish their claim, can the defendant prove by adverse possession or otherwise his proprietary title to the land" that (2) the whole of the evidence of the Special Appellant has not been received, that (3) there is no legal evidence to prove the Plaintiffs' claim, that (4) the Lower Court holding that a site said to be mentioned in Nos. 12 and 13 "in same degree corresponds with that in Plaint" erred in decreeing the delivery of the disputed site to the plaintiffs, that (5) the Lower Court erred in holding a transaction between a third party Mora Hiarry and Special Respondents family binding on the special appellant, that (6) the Lower Court erred in admitting exhibits Nos. 12 and 13 to the prejudice of the Special appellants right in the absence of proof to show that the Special Respondents were privies of the parties in the said exhibits, that (7) the Lower Court erred in admitting exhibits

Nos. 12

MEMORANDUM OF COSTS incurred in Special Appeal No. 989
of 186 4 *against the decision of the* District Judge *of the District of* Ahmednuggur *and disposed of on the* 6th March 1865.
by confirming the same.

BY THE APPELLANT—

IN THE DISTRICT.

In the Mff's Court [including V. Fee] —	5	3	4			
In the Judge's Court [including V. Fee] —	4	11	4			
				9	14	8

IN THIS COURT.

Stamp for Memorandum of Special Appeal	2	"	"			
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	3	"	"			
Sectioner's Fee	1	14	-			
Vukeel's Fee	"	15	4	12	13	4
			Rupees....	22	12	"

BY THE RESPONDENT—

IN THE DISTRICT.

In the Moonsiffs Court ———	10	11	4			
In the Judge's Court ——— ———	1	15	4	12	10	8

IN THIS COURT.

Stamp for Vukalutnama	2	"	"			
Vukeel's Fee	"	15	4	2	15	4.
			Rupees....	15	10	"

6th March 1865.

Taxed

Registrar

Nos 12 and 13 to the prejudice of the Special Appellants' rights in the absence of proof connecting those writings with the property in dispute, that (8) the lower Court erred in holding exhibits Nos 12 and 13 proved in the absence of legal evidence showing the exercise of acts of ownership under them; that (9) the lower Courts finding as to uninterrupted occupancy by the right of "lapsed mortgage" is unintelligible: and that (10) the lower Court not having given any definite finding on the evidence adduced by the Special Appellant has erred in as much as it has thereby entirely excluded so much evidence from its consideration. —

The Court Confirms the decree of the District Judge with costs

Each party to bear his own costs of Special Appeal

A Coach

H Leeds.

H W Wade