

In the High Court of Judicature, Bombay.

Friday, the 17<sup>th</sup> day of February 1865.

SPECIAL APPEAL No. 995 OF 1865.

Vittal Bhatkaji Prabhas  
Desai of the Katurgi  
Division of the Konkan  
(Original Defendant) } Appellant

versus

Sudashin Ramchander  
Prabhas Desai of the Katurgi  
Division of the Konkan  
District (Original Plaintiff) } Respondent

Rs. 59 - 2 - 0

The claim in the Original Suit was to enforce a division of some ancestral Thikans, and to obtain possession of  $\frac{1}{6}$ <sup>th</sup> share therein, as a separate allotment

In Appeal No. 487 of 1863 the <sup>Sen? Justice Judge</sup> of the District of <sup>the Konkan</sup> at <sup>Hydrabad? District</sup> the Decree of the <sup>Magistrate</sup> who had awarded the claim

A Special Appeal was preferred in the High Court on the grounds that (1) the lower Court has erred in holding that "there has been no division between Plaintiff and Defendants" without any evidence in the case

cases and as to which point no issue  
was raised; that (2) the lower Court  
has further erred in applying this  
assumption to the prejudice of the  
Special appellant Vittel who is a  
third party and that the lower Court  
has misread the alleged admission  
of the Special appellant Vittel which  
does not refer to the property in dispute.  
The Court confirms the decree of the Sen.  
Cris. Judge.

Costs on Sp! Appellant.

Atkinloch Forbes,  
H. P. M. Forbes,

MEMORANDUM OF COSTS incurred in Special Appeal No. 995

of 1864 against the decision of the *S<sup>re</sup> Assis<sup>t</sup> Judge* of the District of the *Kankawati* *Ratnagiri* and disposed of on the 17<sup>th</sup> February 1865 by *confirming the same with costs.*

BY THE APPELLANT—

IN THE DISTRICT.

In the <i>Mousiff's Court</i> .....	208.6		
In the <i>S<sup>re</sup> Assis<sup>t</sup> Judge's Court</i> .....	143.0		
			341.6

IN THIS COURT.

Stamp for Memorandum of Special Appeal .....	4	00	
Stamps for copies of Decree and Judgment .....	3	8	
Stamp for Vukalutnama .....	2	00	
Stamp of an application to enter the name of the Appellant's heir .....	0	00	
Batta for Process and Postage .....	1	00	
Sectioner's Fee .....	2	26	
Vukeel's Fee .....	1	12.5	
			14.611

Rupees.... 492.5

BY THE RESPONDENT—

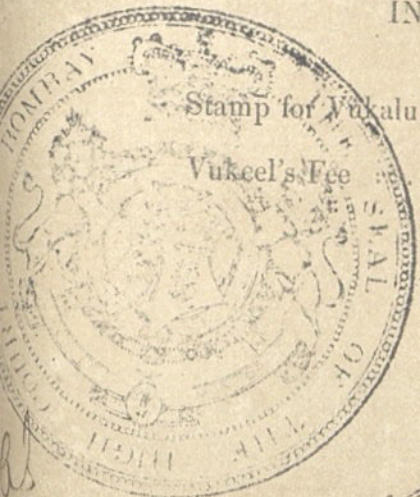
IN THE DISTRICT.

In the <i>Mousiff's Court</i> .....	37.8		
In the <i>S<sup>re</sup> Assis<sup>t</sup> Judge's Court</i> .....	3.13		
			41.5

IN THIS COURT.

Stamp for Vukalutnama .....	0	00	
Vukeel's Fee .....	0	00	
			000

Rupees.... 41.5



*W. Pars*

*R. West*

The 17 day of February 1865 Registrar