

In the High Court of Judicature, Bombay.

Thursday, the 23rd day of February 1865.

SPECIAL APPEAL No. 996 or 1864

Balumbhut bin Vishwanath
- bhut of the Ahmednagar Dis-
- trict.

Appellant

(Original Plaintiff.)

versus

Trivicram bin Muhiput Shastree
of the Ahmednagar District

Respondent

(Original Defendant.)

Rs. 20-0-0

The claim in the Original Suit was to obtain an investigation into the cause of the resistance by the Defendant to the execution of a decree against a third party.

In Appeal No. 996 of 1864 the Judge of the District of Ahmednagar at Nagpur pronounced the Decree of the Juff. N. K. S. who had rejected the application on the ground that capt. Reason had been chosen for resisting the execution.

A Special Appeal was preferred in the High Court on the grounds that there has been error in law in the investigation of the case producing errors in the decision of the case upon its merits.

(a) The court below held that the decree for

for the removal of a certain shed passed
against the father of the opposite party cannot
be executed against him, it not being proved that
the son had obtained exclusive ownership in
the shed before the decree was passed.

(b) The court below held that the opposite
party had a right to stop the windows of the
appellant without deciding whether the latter
had not acquired a prescriptive right to the
enjoyment of light and air through the windows.

The Court confirms the decree of the *Assis.* Judge.

Costs in Special Appellant.

Attest
Wm. H. Packer,

MEMORANDUM OF COSTS incurred in Special Appeal No. 996

of 186 ~~4~~ against the decision of the Judge _____ of the District of *Shimoga* and disposed of on the 23rd February 1865 by *confirming the same with costs.*

BY THE APPELLANT—

IN THE DISTRICT.

| | | | | | | |
|---|---|---|---|----|----|---|
| In the <i>Mooniffs Court (including v. fee)</i> | 5 | 5 | 4 | ✓ | | |
| In the <i>Judges Court (including v. fee)</i> | 3 | 7 | 7 | ✓ | | |
| | | | 8 | 12 | 11 | ✓ |

IN THIS COURT.

| | | | | |
|---|---|-----|-----|---|
| Stamp for Memorandum of Special Appeal | 2 | 00 | ✓ | |
| Stamps for copies of Decree and Judgment | 3 | 00 | ✓ | |
| Stamp for Vukalutnama | 2 | 00 | ✓ | |
| Stamp of an application to enter the name of the Appellant's heir | 3 | " " | ✓ | |
| Batta for Process and Postage | 1 | " " | ✓ | |
| Sectioner's Fee | 2 | 46 | ✓ | |
| Vukeel's Fee | " | 97 | ✓ | |
| | | 10 | 141 | ✓ |
| Rupees | | 19 | 11 | ✓ |

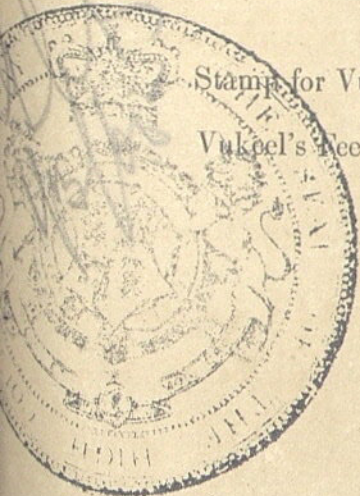
BY THE RESPONDENT—

IN THE DISTRICT.

| | | | | | |
|------------------------------|---|----|----|----|---|
| In the <i>Mooniffs Court</i> | 8 | 10 | 10 | ✓ | |
| In the <i>Judges Court</i> | 1 | 97 | 10 | 45 | ✓ |

IN THIS COURT.

| | | | | |
|-----------------------|---|----|----|---|
| Stamp for Vukalutnama | 2 | 00 | ✓ | |
| Vukeel's Fee | " | 97 | ✓ | |
| | | 2 | 97 | ✓ |
| Rupees | | 12 | 14 | ✓ |



[Signature]

[Signature]
Registrar

The 23rd ^{sealed} February 1865