

C.A.No. 4860-4861 OF 2000

ITEM No.201

Court No. 6

SECTION IVA
A/N MATTER

S U P R E M E C O U R T O F I N D I A
RECORD OF PROCEEDINGS

Civil Appeal Nos.4860-4861/2000

CHAIRMAN, GRAM PANCHAYAT MANGOLI

Appellant (s)

VERSUS

M.G.SANGAMA B.S.HIREMATH & ANR.

Respondent (s)

(With Office Report)

(For directions)

(For Final Disposal)

Date : 03/12/2004 These appeals were called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE SHIVARAJ V. PATIL

HON'BLE MR. JUSTICE B.N. SRIKRISHNA

For Appellant (s)Mr. K.B. Sounder Rajan, Adv.

For Respondent (s)

StateMr. Sanjay R. Hegde, Adv.

Mr. Anil K. Mishra, Adv.

Mr. A. Rohen Singh, Adv.

Mr. N. Ganpathy,Adv.

UPON hearing counsel the Court made the following

O R D E R

The appeals are allowed with no costs in terms of the signed order.

Sarita
Court Master

(Shelly Sengupta)

(Signed order is placed on the file)

IN THE SUPREME COURT OF INDIA

CIVIL APPELLATE JURISDICTION

CIVIL APPEAL NOS. 4860-4861 OF 2000

CHAIRMAN, GRAM PANCHAYAT MANGOLI APPELLANTS

VERSUS

M.G. SANGAMA B.S. HIREMATH & ANR. RESPONDENTS

O R D E R

The impugned judgment was passed by the High Court in the second appeal without formulating substantial question or questions of law, if arose for consideration between the parties, as mandatorily required under Section 100 of the Code of Civil Procedure, 1908 ('the C.P.C.', for short). This position is not disputed by the learned counsel for the parties.

This Court has repeatedly ruled that the second appeal could be disposed of by the High Court only after formulation of substantial question or questions of law, if arise for consideration between the parties, as essentially required under Section 100 of the C.P.C.

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In this view, the impugned judgment cannot be sustained. Consequently, it is set aside and the second appeal is remitted to the High Court for fresh disposal after formulating substantial question or questions of law, if arise for consideration between the parties as per Section 100 of the C.P.C.

The appeals are allowed accordingly. No costs.

.....J.
[SHIVARAJ V. PATIL]

.....J.
[B.N. SRIKRISHNA]
New Delhi,
December 03, 2004.