

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

RECORD OF PROCEEDINGS

I.A.No.2 in CIVIL APPEAL NO. 2119 OF 2001

S.V. JAGADEESAN

Appellant (s)

VERSUS

D. SUSHEELA(D) @ NAGARATHINAM

Respondent(s)

(For early hearing) (With office report)

Date: 04/09/2006 This Appeal was called on for hearing today.

CORAM :

HON'BLE THE CHIEF JUSTICE

HON'BLE MR. JUSTICE C.K. THAKKER

For Appellant(s)

Mr. K.V. Viswanathan, Adv.

Mr. Anup Kumar, Adv.

Mr. K.V. Venkataraman, Adv.

For Respondent(s) Mr. Senthil Jagadeesan, Adv.

Mr. V. Ramasubramanian, Adv.

UPON hearing counsel the Court made the following

O R D E R

The civil appeal is disposed of in terms of the signed order.

I.A.No.2 has become infructuous and is disposed of as such.

(N. Annapurna)

Court Master

(V.P. Tyagi)

Asstt.Registrar

(Signed order is placed on the file)

IN THE SUPREME COURT OF INDIA

CIVIL APPELLATE JURISDICTION

I.A.No.2 in

CIVIL APPEAL NO.2119 OF 2001

S.V. Jagadeesan

...Appellant(s)

Versus

D. Susheela (D) @ Nagarathinam

...Respondent(s)

O R D E R

Having heard learned counsel for the parties, we are of the view that the

impugned judgment of the High Court allowing Second Appeal No.1272 of 1988

deserves to be set aside on the short ground of non-compliance of the provisions of

Section 100 of the Code of Civil Procedure. The said provision requires framing of

a substantial question of law before setting aside the impugned judgment which

may be in question in the Second Appeal. Admittedly, the substantial question of

law, as required by Section 100 of the Code of Civil Procedure, has not been framed and, therefore, the impugned judgment cannot be sustained. The same is, accordingly, set aside and Second Appeal No.1272 of 1988 is remitted to the High Court for its fresh decision in accordance with law.

The High Court is requested to expeditiously decide

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the appeal after formulating the necessary question as required by Section 100 of the Code of Civil Procedure. The parties are directed to appear before the

Registrar General of the High Court on 16th October, 2006.

The civil appeal is disposed of accordingly.

I.A.No.2 has now become infructuous and is disposed of as such.

.....CJI.

(Y.K. SABHARWAL)

.....J.

(C.K. THAKKER)

New Delhi,

September 04, 2006.