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IN THE SUPREME COURT OF INDIA@@  
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CIVIL APPELLATE JURISDICTION@@  
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CIVIL APPEAL NOS. 130-131 OF 2001@@  
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(Arising out of S.L.P.(C) Nos.3647-3648/2000)

Hameedunnisa .....Appellant(s)  
versus  
Chand Bee & Ors. ...Respondent(s)

O R D E R@@  
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Leave granted.

The appeals are directed against the judgment and order of a learned Single Judge of the High Court at Andhra Pradesh. It was a common order passed on two second appeals and two civil revision petitions. No question of law was framed. Despite the submission on behalf of counsel for the present appellant before the High Court that the High Court could not interfere with the findings of fact recorded by the First Appellate Court, the High Court went into the evidence and, on a reappraisal thereof, set aside the judgment and orders of the First Appellate Authority. The High Court was wrong. In the first place, it should have framed a question of law, if any arose. In the second place, it could not have gone into the evidence and appraised it afresh.

The appeals must, therefore, be allowed and the judgment and orders under appeal set aside. The Second Appeals (Nos.570 & 571 of 1992) and Civil Revision Petitions (Nos.692 & 706 of 1994) are restored to the file of the High Court to be heard and

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disposed of afresh, keeping in view the constraints imposed upon the High Court by law. This shall be done expeditiously.

Pending the disposal of the appeals, the status quo as to possession shall be maintained and no demolition shall take place.

Order on the appeals accordingly.

No order as to costs.

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.....J.  
(S.P. Bharucha)

.....J.  
(Y.K. Sabharwal)

New Delhi,  
January 05, 2001.

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ITEM No.207

Court No. 2

SECTION XIIA  
A/N MATTER

RECORD OF PROCEEDINGS

Petition(s) for Special Leave to Appeal (Civil) No.3647-3648/2000

(From the judgement and order dated 17/12/1999 in SA 570 & 571/92  
of The HIGH COURT OF A.P AT HYDRABAD)

HAMEEDUNNISA

Petitioner (s)

VERSUS

CHAND BEE AND ORS.

Respondent (s)

(With prayer for interim relief)

( For Final Disposal )

Date : 05/01/2001 This Petition was called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE S.P. BHARUCHA

HON'BLE MR. JUSTICE Y.K. SABHARWAL

For Petitioner (s) Mr. R. Venkataramani, Sr.Adv.  
Mrs.K. Sarada Devi,Adv. (SCLSC)

For Respondent (s) Mr. Chetan Sharma, Adv.  
Mr. Ambhoj Kumar Sinha,Adv.  
Mr. Ashok Bhalla, Adv.

UPON hearing counsel the Court made the following  
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Leave granted.  
The appeals are allowed.  
No order as to costs.

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(N. Annapurna)  
Court Master

(Shelly Sengupta)  
Court Master

(Signed order is placed on the file.)