

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

RECORD OF PROCEEDINGS

CIVIL APPEAL NO. 1790 OF 2002

OM PARKASH AND ORS.

Appellant (s)

VERSUS

RAM PAL

Respondent(s)

(With office report)

Date: 08/12/2005 This Appeal was called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE B.N. AGRAWAL

HON'BLE MR. JUSTICE A.K. MATHUR

HON'BLE MR. JUSTICE DALVEER BHANDARI

For Appellant(s)

Mr. R.K. Kapoor,Adv.

Mr. M.K. Verma,Adv.

Mr. N.K. Gajua,Adv.

Mr. Anis Ahmed Khan,Adv.

For Respondent(s)

Ms. Niranjana Singh,Adv.

UPON hearing counsel the Court made the following

O R D E R

Heard learned counsel for the parties.

The appeal is allowed.

No costs.

[ Alka Dudeja ]

Court Master

[ Om Prakash ]

Court Master

[Signed order is placed on the file]

IN THE SUPREME COURT OF INDIA

CIVIL APPELLATE JURISDICTION

CIVIL APPEAL NO.1790 OF 2002

Om Prakash and Ors.

...Appellant(s)

Versus

Ram Pal

...Respondent(s)

O R D E R

Heard learned counsel for the parties.

By the impugned order, the High Court of Punjab and Haryana has allowed

the second appeal in-part without framing any substantial question of law. It is well

settled that in an appeal filed under Section 100 of the Code of Civil Procedure, a

Court is required to first frame substantial question of law and decide the same. The

said procedure has not been adopted in the present case; as such the impugned order

is fit to be set aside on this ground alone.

Accordingly, the appeal is allowed, impugned order is set aside and the

matter is remanded to the High Court to first frame substantial question of law, if any,

and then dispose of the appeal after giving opportunity of hearing to the parties.

No costs.

.....J.

[B.N. AGRAWAL]

.....J.

[A.K. MATHUR]

.....J.

[DALVEER BHANDARI]

New Delhi,

December 08, 2005.