

C.A.No. 2250 OF 1999  
ITEM No.103

Court No. 8

SECTION IVA

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

C.A No.2250 of 1999

K.K.P. Salgaonkar (Dead) By LRS.

..Appellant(s)

VERSUS

Kamala K.M.Warker

..Respondent (s)

( With office report)

Date : 15/01/2004 This Petition was called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE B.N. AGRAWAL  
HON'BLE MR. JUSTICE G.P. MATHUR

For Petitioner (s)  
Mr. S.N. Bhat,Adv.

For Respondent (s)  
Mr.Shiva Pujan Singh,Adv.

UPON hearing counsel the Court made the following

O R D E R

The appeal is allowed in terms of the signed order

(Sheetal Dhingra)(Kanwal Singh)  
Court Master Court Master  
[Signed order is placed on the file]  
IN THE SUPREME COURT OF INDIA  
CIVIL APPELLATE JURISDICTION

CIVIL APPEAL No.2250 OF 1999

K.K.P. Salgaonkar (Dead) by LRs ....Appellant (s)

Versus

Kamala K.M. Warker ....Respondent (s)

O R D E R

Heard learned counsel appearing on behalf of the the parties.

By the impugned order the Karnataka High Court has allowed second appeal and set aside judgments and decrees passed by the trial court as well as the First appellate court, without formula

ting any substantial question of law as required under Section 100 of the Code of Civil Procedure, it is well settled that in a second appeal High Court is obliged to formulate substantial question of law involved therein and then only decide the appeal. In the present case as no such procedure has been adopted by the court, 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 remitted to the High Court for deciding the appeal afresh after first formulating substantial question of law, if any, involved therein and thereafter decide the appeal in accordance with law after giving opportunity of hearing to the parties. No costs.

.....J.  
(B.N. AGRAWAL)

.....J.  
(G.P. MATHUR)

New Delhi  
January 15, 2004.