

IN THE SUPREME COURT OF INDIA  
 CIVIL APPELLATE JURISDICTION  
 CIVIL APPEAL NO. 810 OF 2005  
 (Arising out of SLP(C) No.8245/2004)

BALJIT SINGH

.....

APPELLANT

VERSUS

SANTOSH & ORS.

.....

RESPONDENTS

O R D E R

After hearing the counsel for the parties, we are of the view that this matter may be disposed of finally at this stage.

Special Leave granted.

Counsel for the appellant submitted that while the High Court

urt

was dealing with the second appeal which was ultimately allowed by the

he

impugned judgment and order, the High Court failed to frame a substantial

question of law as required and proceeded to dispose of the second appeal.

It is by now well-settled that in a second appeal, the High Court

is required to frame the substantial question of law which falls for consideration in the appeal. Failure to do so, vitiates the judgment of the

2

High Court. Since the High Court failed to frame a substantial question of law which arose for consideration in the second appeal, we set aside the judgment and order of the High Court and remit the matter to the High Court to dispose of the second appeal afresh after framing substantial question of law which arises for consideration in the said appeal.

This appeal is accordingly allowed.

.....J.

.....

( B.P. SINGH )

.....J.

.....

( ARUN KUMAR )

NEW DELHI;

JANUARY 31, 2005.

3

ITEM NO.18

COURT NO.11

SECTION IVB

RECORD OF PROCEEDINGS

Petition(s) for Special Leave to Appeal (Civil) No(s).8245 OF 2004

(From the judgement and order dated 08/10/2003 in RSA No. 4080/1999  
of HIGH COURT OF PUNJAB & HARYANA AT CHANDIGARH)

BALJIT SINGH

Petitioner(s)

VERSUS

SANTOSH & ORS.

Respondent(s)

(With prayer for interim relief )

Date: 31/01/2005 This Petition was called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE B.P. SINGH

HON'BLE MR. JUSTICE ARUN KUMAR

For Petitioner(s)

Mr.Radhakrishna S.Hegde, Adv.

Mr.Chandra Prakash Tyagi, Adv.

Ms.Savitri Pandey, Adv.

Mr. P.P. Singh,Adv.

For Respondent(s)

Mr.Ujjal Singh, Adv.

Mr. R.C. Kaushik,Adv.

Mr.J.P.Singh, Adv.

UPON hearing counsel the Court made the following

O R D E R

4

Special Leave granted.

The appeal is allowed in terms of the signed order.

( Satish K. Yadav )

( Asha Joshi )

Court Master

Assistant Registrar

( Signed order is placed on the file )