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SLP(C)No. 13196-13197 OF 2000

ITEM No.19

Court No. 5

SECTION IVA
A/N MATTER

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

Petition(s) for Special Leave to Appeal (Civil) No.13196-13197/2000

(From the judgement and order dated 29/08/1997 in RSA 653/88
& RSA 91/91 of The HIGH COURT OF KARNATAKA AT BANGALORE)

VEERAPPA S. KUDARI

Petitioner (s)

VERSUS

LINGANAGOUDA (D) BY LRS. & ORS.

Respondent (s)

(With Appln(s). for substitution of L.Rs. of deceased
respondent Nos. 2 (A) and 4 (A))

Date : 11/01/2002 This Petition was called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE V.N. KHARE
HON'BLE MR. JUSTICE ASHOK BHAN

For Petitioner (s) Mr. RS Hegde,Adv.
Mr. Somiran Sharma,Adv. for
Mr. P.P. Singh,Adv.

For Respondent (s) Mr. P.R. Ramasesh,Adv.

UPON hearing counsel the Court made the following
O R D E R

.....L.....I.....T.....T.....T.....T.....T.....T.....J.
I.A.Nos. 5 & 6 are allowed.

The Legal Representatives of respondent Nos.2(A)
and 4(A) are already on record as stated in paragraph 3 &
4 of the application.

Leave granted.

The appeals are allowed. There shall be no order
as to costs.

.SP1

(Neelam Kawatra)
Court Master

(S. Krishnan)
Court Master

Signed order is placed on the file.

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IN THE SUPREME COURT OF INDIA
CIVIL APPELLATE JURISDICTION
CIVIL APPEAL NO.190-191 OF 2002@@
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(Arising out os S.L.P.(C)Nos. 13196-13197/2000)

Veerappa S. Kudari

Appellant (s)

versus

Linganagouda (D) by L.Rs.& Ors.

Respondent (s)

O R D E R@@
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.....L.....I.....T.....T.....T.....T.....T.....T.....J.
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Leave granted.
Heard learned counsel for the parties.

This Court on number of occasions has held that the High Court under Section 100 of the Civil Procedure Code acquires jurisdiction only when it frames substantial question of law. In the present case what we find is that the High Court had allowed the appeals filed by the respondents without framing any question of law. On this very short ground,these appeals deserve to be allowed. We, therefore, set aside the order and judgment passed by the High Court and send the case back to the High Court to decide the Second Appeals in terms of Section 100 of the Civil Procedure Code.

The appeals are allowed. There shall be no order as to costs.

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.....J
(V.N. Khare)

New Delhi,
January 11,2002.

.....J
(Ashok Bhan)