

C.A.No. 5081 OF 1998  
ITEM NO.108  
COURT No.2

SECTION IV-A

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. 5081/1998

Venkataramana Gowda

Appellant(s)

Versus

Kushalappa Gowda

Respondent(s)

( with office report )

DATE : 17/03/2004

This/These matter/matters was/were  
called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE S. RAJENDRA BABU

HON'BLE MR. JUSTICE G.P. MATHUR

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

For Respondent(s) Mr. Ravindra Bhat, Adv.

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

The appeal is allowed in terms of the signed order.

[ Charanjeet Kaur ]  
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. 5081 OF 1998

Venkataramana Gowda

..

Appellant(s)

Versus

Kushalappa Gowda

..

Respondent(s)

O R D E R

A suit was filed by the respondent in respect of two items of properties and the said suit came to be dismissed. On appeal, the decree made by the trial Court was affirmed. When the matter was carried in second appeal to the High Court, the High Court interfered with the same without even formulating any question of law as is required by Section 100 of the Code of Civil Procedure. This mandatory requirement is totally ignored by the High Court. In the circumstances, we set aside the judgment made by the High Court and remit the matter to the High Court after restoring the second appeal to its original number. The appeal is allowed accordingly.

.....J[ S. RAJENDRA BABU ]

.....J [ G.P. MATHUR ]

NEW DELHI,  
MARCH 17, 2004.