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ITEM NO.201A

COURT NO.6

SECTION IVA

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.179 OF 2000

SHANKARAPPA

Appellant (s)

VERSUS

SANGANABASAVASWAMY G.RUDRAMUNISWAMY

Respondent(s)

(With office report)  
(For Final Disposal)  
(For Directions)

Date: 25/11/2004 This Appeal was called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE SHIVARAJ V. PATIL  
HON'BLE MR. JUSTICE B.N. SRIKRISHNA

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

For Respondent(s) Mr. S.K. Kulkarni, Adv.

Mr. M. Gireesh Kumar, Adv.

Ms. Sangeeta Kumar, Adv.

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

Heard the learned counsel for the parties for a while.

The civil appeal is allowed.

No costs.

[ T.I. Rajput ][ Shelly Sengupta ]  
Court Master Court Master

[Signed order is placed on the file]

IN THE SUPREME COURT OF INDIA

CIVIL APPELLATE JURISDICTION

CIVIL APPEAL NO.179 OF 2000

Shankarappa ...Appellant(s)

Versus

Sanganabasavaswamy G. Rudramuniswamy ...Respondent(s)

O R D E R

This is yet another case where the High Court has set aside the concurrent findings of two courts below without even examining whether any substantial question(s) of law arose for consideration between the parties, as mandatorily required under Section 100 of the Code of Civil Procedure, 1908 [for short, the Code ]. The learned counsel for the parties do not dispute this position. In this view, nothing more is required to be done, except setting aside the impugned judgement. Accordingly, without expressing one way or the other on the merits of the respective contentions of the parties, we set aside the impugned judgement and remit the second appeal to the High Court for consideration whether any substantial question(s) of law arise for consideration between the parties, as mandatorily required under Section 100 of the Code , and disposal afresh in accordance with law.

The civil appeal is, accordingly, allowed.

No costs.

.....J.  
[SHIVARAJ V. PATIL]

.....J.  
[B.N. SRIKRISHNA]

New Delhi,  
November 25, 2004.