

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(s). 2071 OF 2000

THOTI MUNNISWAMY

Appellant (s)

VERSUS

ABBAlAH & ORS

Respondent(s)

(With office report)

Date: 08/02/2006 This Appeal was called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE ARIJIT PASAYAT

HON'BLE MR. JUSTICE R.V. RAVEENDRAN

For Appellant(s)

Mr. R.S. Hegde,Adv.

Ms. Savitri Pandey,Adv.

Mr. Chandra Prakash,Adv.

Mr. P.P. Singh,Adv.

For Respondent(s)

Mr. S. Sadasiva Reddy,Adv.

Mrs. S. Usha Reddy,Adv.

UPON hearing counsel the Court made the following

O R D E R

The appeal is disposed of in terms of the signed order.

(Neena Verma)

(Vijay

Aggarwal)

Master

Court Master

Court

Signed order is placed on the file.

IN THE SUPREME COURT OF INDIA

CIVIL APPELLATE JURISDICTION

CIVIL APPEAL NO.2071 OF 2000

Thoti Munniswamy
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Versus

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O R D E R

Heard learned counsel for the parties.

A bare perusal of the order passed by the High Court in the second appeal shows that the conclusions arrived at were abrupt, without specific reference to any material on record or any particular finding recorded by the courts below. The High Court was dealing with a second appeal under Section

100 of the Code of Civil Procedure, 1908 (in short 'the Code'). This is not the way a second appeal is to be disposed of. That being so, without expressing any opinion on the merits of the case, we set aside the order of the High Court and remit the matter to it for disposal in accordance with law. It would be appropriate if the High Court formulates a proper question of law.

The appeal is, accordingly, disposed of.

.....J.

(ARIJIT PASAYAT)

.....J.

(R.V. RAVEENDRAN)

New Delhi,

February 08, 2006.