

J  
C.A.No. 4976 OF 1998  
ITEM NO.112  
COURT No.2

SECTIONVIV

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. 4976/1998

Mohd. Manajir Ali Mazumdar

Appellant(s)Pe

Versus

Hasmat Ali Barbhuiya(Dead) By Lrs. & Anr.

Respondent(s)  
( with appln. for substitution)

DATE : 26/02/2004                      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 Borthakur, Adv.  
Mr. sunil Kumar Jain, Adv.  
For Respondent(s)Mr. N.R. Choudhury, Adv.  
Mr. Somnath Mukherjee, 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. 4976 OF 1998

Mohd. Manajir Ali Mazumdar

..  
Appellant(s)

Versus

Hasmat Ali Barbhuiya (Dead) By Lrs. & Anr.

..  
Respondent(s)

O R D E R

The grievance made in this appeal is that the High Court in allowing a second appeal did not formulate a question of law as is mandatorily required under Section 100 of the Code of Civil

Procedure.

We have perused the judgment. We do not find that any such question had been formulated at all. In the circumstances, we set aside the order made by the High Court and remit the matter to the High Court for fresh disposal in accordance with law after restoring the second appeal to its original number. The appeal is allowed accordingly.

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

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

NEW DELHI,  
FEBRUARY 26, 2004.