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SLP(C)No. 8233 OF 2001

ITEM No.28

Court No. 3

SECTION XII  
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.8233/2001

(From the judgement and order dated 23/02/2001 in SA 1671/84  
of The HIGH COURT OF MADRAS)

SRI CHAMPAKESWARAR TEMPLE & ORS.

Petitioner (s)

VERSUS

GUNABHUSHANAM @ KULLAMMAL & ORS.

Respondent (s)

(With prayer for interim relief & Office Report)  
With

SLP(C)No.8803/2001  
(With prayer for interim relief & Office Report)

Date : 09/07/2002 These Petitions were called on for hearing today.

CORAM :

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

For Petitioner (s) Mr. S. Guru Krishna Kumar,Adv.  
Mrs. Srikala,Adv.  
Mr. S.R. Setia,Adv.

For Respondent (s)  
in SLP 8233 Mr. M.A. Krishna Moorthy,Adv.

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

.....L.....I.....T.....T.....T.....T.....T.....T.....J.

.SP2

Heard learned counsel for the parties for five  
minutes.

Leave granted.  
The appeals are allowed. No order as to costs.

.SP1

(Neelam Kawatra) (S. Krishnan)  
Court Master 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. 3665 OF 2002@@  
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(Arising out of S.L.P.(C)No. 8233/2001)

Sri Champakeswarar Temple & Ors.

Appellant (s)

versus

Gunabhushnam @ Kullammal & Ors.

Respondent (s)

WITH @@  
AAAAA

C.A.No.3666/2002 @ S.L.P.(C)No. 8803/2001@@  
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Leave granted.

The short question which arises in these appeals is as to whether the High Court without framing a substantial question of law can decide the second appeal on merits. This Court, on number of occasions, has held that the High Court under Section 100 C.P.C. acquires jurisdiction to decide the appeal on merits only when it frames substantial question of law. In these cases, we find that the High Court has not framed any substantial question of law. On this short ground, these appeals deserve to be allowed. Consequently, the order under challenge is set aside and the cases are remitted to the High Court to decide the cases in terms of Section 100 C.P.C.

contd...2/-

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

.SP1

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

New Delhi,  
July 09, 2002.

.....J  
(Ashok Bhan)