

IN THE SUPREME COURT OF INDIA
CIVIL APPELLATE JURISDICTION
CIVIL APPEAL NO.7790 OF 2001

Kanwar Singh & Ors. **...Appellant(s)**

Versus

Nanbai & Ors. **...Respondent(s)**

O R D E R

Heard learned counsel for the parties.

By the impugned order, the High Court has dismissed the second appeal without considering as to whether any substantial question of law arises therein or not, which was necessary in view of the provisions engrafted under Section 100 of the Code of Civil Procedure, 1908. As such, the appeal is fit to be allowed.

Accordingly, the appeal is allowed, impugned order is set aside and the matter is remitted to the High Court. On remand, the High Court will consider as to whether any substantial question of law arises in second appeal and thereafter decide the same in accordance with law after giving opportunity of hearing to the parties.

No costs.

JUDGMENT

[B.N. AGRAWAL]

.....J.

[G.S. SINGHVI]

.....J.

New Delhi,
July 14, 2009.