

SUPREME COURT OF INDIA  
RECORD OF PROCEEDINGS

CIVIL APPEAL NO.7790 OF 2001

KANWAR SINGH & ORS.

Appellant (s)

VERSUS

NANBAI & ORS.

Respondent(s)

(With appln(s) for exemption from filing O.T. and office report)

Date: 14/07/2009 This Appeal was called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE B.N. AGRAWAL

HON'BLE MR. JUSTICE G.S. SINGHVI

For Appellant(s) Ms. Shweta Kapoor,Adv.

Mr. R.K. Kapoor,Adv.

Ms. Sanjana J. Bali,Adv.

Mr. Harish Chandra Pant,Adv.

Ms. Mansi Dhiman,Adv.

Ms. Gunjan Sinha,Adv.

Mr. Anis Ahmed Khan,Adv.

For Respondent(s)

Mr. Pardeep Gupta,Adv.

Mr. K.K. Mohan,Adv.

UPON hearing counsel the Court made the following  
ORDER

Heard learned counsel for the parties.

The civil appeal is allowed.

No costs.

[ Alka Dudeja ]

Court Master

Court Master

[ Savita Sainani ]

[Signed order is placed on the file]

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.

[B.N. AGRAWAL] .....J.

[G.S. SINGHVI] .....J.

New Delhi,  
July 14, 2009.