

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(s).9789/2004

(From the judgement and order dated 18/08/2003 in SCA No.294/1994
of The HIGH COURT OF ALLAHABAD, LUCKNOW BENCH)

SADIQ & ANR.

Petitioner(s)

VERSUS

JAMALUDDIN & ANR.

Respondent(s)

(With prayer for interim relief and office report)

Date: 22/01/2007 This Petition was called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE TARUN CHATTERJEE

HON'BLE MR. JUSTICE DALVEER BHANDARI

For Petitioner(s) Mr. Shakil Ahmed Syed, Adv.

For Respondent(s) Mr. Ramesh Babu M.R., Adv.

UPON hearing counsel the Court made the following

O R D E R

Leave granted.

The civil appeal is allowed to the extent indicated in the signed

order. There will be no order as to costs.

(Subhash Chander)
Court Master

(Khushi Ram)
Court Master

[Signed Order is placed on the file]

IN THE SUPREME COURT OF INDIA

CIVIL APPELLATE JURISDICTION

CIVIL APPEAL NO.311 OF 2007

[Arising out of S.L.P.(C)No.9789 of 2004]

Sadiq & Anr.

....Appellants

Versus

Jamaluddin & Anr.

.....Respondents

O R D E R

Leave granted.

This is an appeal from the judgment and decree passed by the High Court of Allahabad, Bench at Lucknow, in Second Civil Appeal No.294 of 1994 by which the Second Appeal, which arose out of a suit for specific performance of a contract for sale of the suit property, was allowed and the suit for specific performance filed by the plaintiff was decreed.

After hearing the learned counsel for the parties and after going through the judgment in detail, we are of the view that the matter should be remitted back to the

High Court for re-hearing of the same as we find that before deciding the appeal and

allowing the same, the High Court ought to have framed substantial question of law.

Accordingly, we set aside the judgment of the High Court and send the case back to

it for hearing and direct the High Court to frame substantial question of law and then

to decide the same. Let the Second Civil Appeal be decided afresh within six

months from the date of receipt of a copy of this order.

The appeal is allowed to the extent indicated above. There will be no order

as to costs.

.....J.

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[TARUN CHATTERJEE]

New Delhi.
.....J.

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January 22, 2007.

[DALVEER BHANDARI]