



Kariappa

...Appellant

Vs.

Krishna Singh & Ors.

...Respondents

ORDER@@  
CCCCC

.....L.....I.....T.....T.....T.....T.....T.....J....R  
.SP2

Leave granted.

In a second appeal the High Court reversed the fact finding entered by First Appellate Court without formulating any question of law. Such a course cannot be adopted now in view of the language employed in Sec.100 of the Code of Civil Procedure.

We, therefore, set aside the impugned judgment and remit the second appeal back to the High Court for fresh disposal. It is open to the High Court to formulate the substantial question of law if any such question is discernible from the records and decide the second appeal in accordance with law.

.SP1

.....J.  
(K.T. Thomas)

New Delhi;  
November 10, 2000.

.....J.  
(R.P.Sethi)