

IN THE SUPREME COURT OF INDIA
CIVIL APPELLATE JURISDICTION

CIVIL APPEAL NO. 6019 OF 2014
(@ Special Leave Petition (C) No. 11994/2012)

RAMAKRISHNA & ANR.

APPELLANTS

VERSUS

MADDURU PAPAIAH (D) BY LRS.& ORS.

RESPONDENTS

O R D E R

Leave granted.

A singular contention that has been raised by the learned counsel for the appellant is that the High Court decided the second appeal without framing a substantial question of law.

Learned counsel for the respondent would submit that the High Court has posed a substantial question of law by noting a submission of the counsel for the appellants therein. On a perusal of the judgment, we find that the High Court has really not appreciated the purpose of framing a substantial question of law and to answer the same.

It is obligatory on the part of the Court, as mandated under

Section 100 of the Code of Civil Procedure, 1908 to frame a

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substantial question of law and then address the lis.

That
Naveen Kumar
Date: 2014.07.12
13:01:01 IST
Reason:

has not been done.

In view of the aforesaid, we allow the appeal, set
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aside the impugned judgment and decree and remit the matter to the High Court to frame an appropriate substantial question of law and proceed to decide the appeal on its own

merits. There shall be no order as to costs.

.....J.
(DIPAK MISRA)

.....J.
(V. GOPALA GOWDA)

NEW DELHI
JULY 04, 2014

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ITEM NO.46

COURT NO.9

SECTION XIIA

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 (C) No(s). 11994/2012

(Arising out of impugned final judgment and order dated 29/11/2011
in SA 450/2005 passed by the High Court Of A.p At Hyderabad)

RAMAKRISHNA & ANR.

Petitioner(s)

VERSUS

MADDURU PAPAIAH(D) BY LRS.

Respondent(s)

(With prayer for interim relief and office report)

Date : 04/07/2014 This petition was called on for hearing today.

CORAM : HON'BLE MR. JUSTICE DIPAK MISRA
HON'BLE MR. JUSTICE V GOPALA GOWDA

For Petitioner(s) Mr. V. Sridhar Reddy, Adv.
Mr. V. N. Raghupathy, Adv.

For Respondent(s) Mr. D. Bharat Kumar, Adv.
Mr. Sayooj Mohandas M., Adv.
Mr. Abhijit Sengupta ,Adv.

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

Leave granted.
Appeal is allowed in terms of the signed order.

(NAVEEN KUMAR)
COURT MASTER

(RENUKA SADANA)
COURT MASTER

(Signed order is placed on the file)