

SUPR EME COUR T OF I ND I A
RECORD OF PROCEEDINGS

CIVIL APPEAL NOS.5349-5351 OF 2001

V.R.SIVASUBRAMANIA NADAR (D) TH. LRS. Appellant (s)

VERSUS

SINNAMMAL(D) THROUGH LRS. & ORS. Respondent(s)

(With office report)

Date: 14/07/2009 These Appeals were called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE B.N. AGRAWAL
HON'BLE MR. JUSTICE G.S. SINGHVI

For Appellant(s) Mr. K.V. Viswanathan, Sr. Adv.
Mr. B. Ragunath, Adv.
Mr. Abhishek, Adv.
Mr. K.V. Venkataraman, Adv.

For Respondent(s) Ms. K. Sarada Devi, Adv.
Ms. Urmila Sirur, Adv.

UPON hearing counsel the Court made the following
ORDER

Heard learned counsel for the parties.

The civil appeals are allowed.

No costs.

[Alka Dudeja] [Savita Sainani]
Court Master Court Master

[Signed order is placed on the file]
IN THE SUPREME COURT OF INDIA

CIVIL APPELLATE JURISDICTION

CIVIL APPEAL NOS.5349-5351 OF 2001

V.R. Sivasubramania Nadar (Dead) By L.Rs. ...Appellant(s)

Versus

Sinnammal (Dead) by L.Rs. & Ors. ...Respondent(s)

O R D E R

Heard learned counsel for the parties.

By the impugned order, the High Court has dismissed second appeals 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 appeals are fit to be allowed.

Accordingly, the appeals are 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 appeals 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.