

C.A.No. 4532 OF 1998
IN THE SUPREME COURT OF INDIA
CIVIL APPELLATE JURISDICTION

CIVIL APPEAL NO. 4532 OF 1998

YASHODA & ORS. APPELLANTS

VERSUS

AMMARKUNHI AMMA & ORS. RESPONDENTS

O R D E R

The High Court has disposed of the second appeal without formulating any substantial question or questions of law. We have repeatedly held that a substantial question or questions of law are to be formulated, that arise for consideration between the parties under Section 100 of the Code of Civil Procedure. In this view, we consider it unnecessary to examine the merits of the respective contentions. On this short ground, we set aside the impugned judgment and remit the second appeal to the High Court for disposal after formulating substantial question or questions of law, that may arise for consideration between the parties,

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.2.

as required under Section 100 of the Code of Civil Procedure. All the contentions of the parties are left open to be urged before the High Court. The appeal is allowed accordingly. No costs.

.....J.
(SHIVARAJ V. PATIL)

.....J.
New Delhi, (D.M. DHARMADHIKARI)
December 18, 2003.

ITEM No. 105 Court No.9 SECTION XIA

S U P R E M E C O U R T O F I N D I A
RECORD OF PROCEEDINGS

Civil Appeal No.4532/1998

YASHODA & ORS. APPELLANTS

VERSUS

AMMARKUNHI AMMA & ORS. RESPONDENTS
(With Appln.(s) for substitution and with office report)

Date : 18/12/2003 This appeal was called on for hearing today.

CORAM :
HON'BLE MR. JUSTICE SHIVARAJ V. PATIL
HON'BLE MR. JUSTICE D.M. DHARMADHIKARI

For Appellant (s)Mr. Romy Chacko, Adv.
Mr. Veeraanjaneyulu K.L.N.V., Adv.
for Mr. Rajiv Mehta, Adv.

For Respondent (s)Mr. T.L.V. Iyer, Sr.Adv.
Mr. Subramonium Prasad, Adv.

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

Heard learned counsel for the parties for 10 minutes.
The appeal is allowed in terms of the signed order. No costs.

Sarita (Shelly Sengupta)
Court Master

(Signed order is placed on the file)