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SLP(C)No. 11964 OF 2000
ITEM No.32

Court No. 8

SECTION IVB
A/N MATTER

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.11964/2000

(From the judgement and order dated 25/01/2000 in RSA 1741/98
of The HIGH COURT OF PUNJAB & HARYANA AT CHANDIGARH)

INDER PAL KAUR & ORS

Petitioner (s)

VERSUS

STATE OF PUNJAB & ANR.

Respondent (s)

(With prayer for interim relief)
(With Appln(s). for bringing LRs on record and
c/delay in filing appl. for bringing LRs on record)

Date : 09/04/2001 This Petition was called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE A.P. MISRA
HON'BLE MR. JUSTICE B.N. AGRAWAL

For Petitioner (s) Mr. R.K. Jain,Sr.Adv.
Mr. Mukesh Jain,Adv.
Ms. Hima Kohli,Adv.
Mr. Sushil K. Pathak,Adv.

For Respondent (s) Mr. Rajeev Kumar Sharma,Adv.

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

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

Substitution allowed.
Leave granted.
Appeal is allowed. Costs on the parties.

.SP1
(Ganga Thakur) (V.P. Tyagi)
P.S.to Registrar Court Master

Signed order is placed on the file.

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IN THE SUPREME COURT OF INDIA@@
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CIVIL APPELLATE JURISDICTION@@
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CIVIL APPEAL NO. OF 2001@@
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(Arising out of SLP(C) No.11964/2000)

Inder Pal Kaur & Ors. Appellants

-Versus-

State of Punjab & Anr Respondents

O R D E R@@
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L.....L.....I.....T.....T.....T.....T.....T.....T.....J
.SP2

Substitution allowed.
Leave granted.
Heard learned counsel for the parties.

The only question raised in this appeal is that the High Court has decided the second appeal without framing any substantial question of law. The law is well settled. This Court has repeatedly said, after the amendment of Section 100 CPC, that the High Court shall dispose of the second appeal only in case substantial question of law arises and decide on the said question. In the present case, we find that the High Court has set aside the judgment and decree of both the courts below without framing any substantial question of law. Accordingly, the impugned judgment is unsustainable and is hereby quashed. The case is remanded back to the High

:2:

Court for deciding afresh second appeal in accordance with law, first by considering whether any substantial question of law arises, if so arises, to frame the same and decide in accordance with law.

The appeal is allowed. Costs. on the parties.

.SP1

.....J.
(A.P. Misra)

New Delhi,
April 09, 2001.

.....J.
(B.N. Agrawal)