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C.A.No. 6048 OF 1999  
ITEM NO.106

COURT NO.6

SECTION XIIA

S U P R E M E C O U R T O F I N D I A  
R E C O R D O F P R O C E E D I N G S

CIVIL APPEAL NO. 6048 OF 1999

P. VENKAT REDDY & ORS

Appellant (s)

VERSUS

PALAVAI DAMODAR REDDY AND ANR

Respondent(s)

(With appln(s) permission to submit additional document(s) and office report)

Date: 03/08/2004 This Appeal was called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE SHIVARAJ V. PATIL  
HON'BLE MR. JUSTICE B.N. SRIKRISHNA

For Appellant(s) Mr. Guntur Prabhakar, Adv.  
Ms. T. Anamika, Adv.

For Respondent(s) Mr. R. Santhan Krishnan, Adv.  
Mr. G. Sateesh, Adv.  
Mr. D. Mahesh Babu, Adv.

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

Heard the learned counsel for the parties from 12.30 p.m. to 2.30 p.m.

Permission to file additional documents is granted.

The civil appeal is allowed.

No costs.

[ T.I. Rajput ] [ Shelly Sengupta ]  
Court Master Court Master

[Signed order is placed on the file]

IN THE SUPREME COURT OF INDIA

CIVIL APPELLATE JURISDICTION

CIVIL APPEAL NO.6048 OF 1999

P. Venkat Reddy & Ors. ...Appellant(s)

Versus

Palavai Damodar Reddy & Anr. ...Respondent(s)

O R D E R

This appeal is by the plaintiffs whose suit was dismissed by the trial court. The first appellate court affirmed the judgement and decree of the trial court. The plaintiffs were also unsuccessful in the second appeal before the High Court.

The appellant filed suit for possession based on a validation certificate, Exhibit A-1, issued by the Tehsildar under Section 50-B of the Andhra Pradesh (Telangana Area) Tenancy and Agricultural Lands Act, 1950 [for short, "the Act"]. The trial court dismissed the suit assuming that at Section 50-B of the Act had stood deleted from the statute book on 6th June, 1984 when the validation certificate, Exhibit A-1, was issued to the appellants. The first appellate court also took the same view. The High Court, as is evident from the impugned judgement, without going into the legal aspect simply stated thus:

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"On hearing the arguments and on reading the judgments of both the courts below, this Court is of the considered view that regarding the genuineness of Ex.A-1 both the courts below held that no reliance can be kept upon on Ex.A-1. When the concurrent finding given by both the courts below on points of facts, this court is not reluctant to interfere with the findings of facts correctly recorded by both the courts below while hearing this Second Appeal."

Having heard the learned counsel for the parties, we are of the view that the High Court was not right and justified in disposing of the second appeal without formulating substantial question or questions of law that arose for consideration between the parties. The High Court, under Section 100 of the Code of Civil Procedure, 1908, ought to have formulated substantial question or questions of law before disposing of the second appeal, if such question or questions of law arose for consideration between the parties. In the light of the contentions urged before the trial court as well as the first appellate court and even keeping in view the submissions made before us, the following substantial question of law does arise for consideration between the parties:

"Whether the validation certificate dated 6th June, 1984 issued under Section 50-B of the Andhra Pradesh (Telangana Area) Tenancy and Agricultural Lands Act, 1950, was valid when Section 50-B was on the statute book on the date when the certificate was issued?"

In this view, we set aside the impugned judgement and remit the second appeal to the High Court to hear the

...3/-  
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parties on the afore-mentioned substantial question of law and then to dispose of the second appeal.

The civil appeal is, accordingly, allowed.

Having regard to the long pending litigation between the parties, we expect that the High Court would dispose of the second appeal as expeditiously as possible.

No costs.

.....J.  
[SHIVARAJ V. PATIL]

.....J.  
[B.N. SRIKRISHNA]

New Delhi,  
August 03, 2004.