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C.A.No. 1148-1149 OF 1998

ITEM NO. 118

COURT NO. 7

SECTION XIV

SUPREME COURT OF INDIA

RECORD OF PROCEEDINGS

Civil Appeal Nos.1148-1149 of 1998

Munshi Ram (dead) by Lrs.

Appellant (s)

Versus

Baldev & Anr.

Respondent (s)

Dated:24-07-2003: This appeal was called on for hearing today.

CORAM

HON'BLE MR. JUSTICE Y.K. SABHARWAL

HON'BLE MR. JUSTICE B.N. AGRAWAL

For Appellant (s)Mr. K. Swami, Adv.

For Respondent (s)Mr. AK. Chhabra, Adv.

Ms. Madhu Moolchandani, Adv.

UPON hearing counsel, the Court made the following

O R D E R

The appeals are allowed.

No costs.

(S. Thapar)

(V.P. Tyagi)

PS to Registrar

Court Master

The signed order is placed on the file.

IN THE SUPREME COURT OF INDIA

CIVIL APPELLATE JURISDICTION

CIVIL APPEAL NO.1148-1149 OF 1998

Munshi Ram (dead) by Lrs.

Appellant (s)

Versus

Baldev & Anr. Respondent (s)

O R D E R

The High Court by the impugned judgment has allowed Second Appeal No.325 of 1989 without formulating the substantial question of law which is a mandatory requirement of Section 100 Code of Civil Procedure. On this short ground alone, we set aside the impugned judgment and remand the aforesaid appeal for fresh decision of the High Court in accord with Section 100 of the Code of Civil Procedure. We expect and hope that the High Court will expeditiously decide the appeal preferably within a period of six months. Parties may appear before the Registrar General of the High Court on 2nd September, 2003 for seeking a date. The appeals are allowed in the above terms. No costs.

.....J
(Y.K. Sabharwal)

.....J
(B.N. Agrawal)
New Delhi,
July 24, 2003