

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(s).16032/2012

(From the judgement and order dated 29/11/2011 in SA No.29/2010 of The
HIGH COURT OF A.P AT HYDERABAD)

Y.YASODAMMA & ORS.

Petitioner(s)

VERSUS

MABBU MOHAN RAO

Respondent(s)

(With prayer for interim relief and office report)

Date: 30/09/2013 This Petition was called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE SURINDER SINGH NIJJAR
HON'BLE MR. JUSTICE FAKKIR MOHAMED IBRAHIM KALIFULLA

For Petitioner(s)

Mrs. Sudha Gupta,Adv.

For Respondent(s)

Ms. Kanaka Durga, Adv.
Mr. A.S. Rao, Adv.
Mr. Ram Swarup Sharma,Adv.

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

Leave granted.

The appeal is allowed and disposed of in terms of the
signed order.

(Sukhbir Paul Kaur)
Court Master

(Indu Bala Kapur)
Court Master

(Signed order is placed on the file)

CIVIL APPELLATE JURISDICTION

CIVIL APPEAL NO.8866 OF 2013
(Arising out of S.L.P.(C) No.16032 of 2012)

|Y. YASODAMMA AND OTHERS |Appellant(s) |

Versus

|MABBU MOHAN RAO |Respondent(s) |

O R D E R

We have heard learned counsel for the parties and perused the impugned judgment.

Leave granted.

It appears that the High Court has decided the matter on merits without first formulating the substantial questions of law, which arise in the Regular Second Appeal. Therefore, the judgment is clearly contrary to the provisions contained in Section 100 of the Civil Procedure Code. On this short ground, the judgment of the High Court cannot be upheld.

Consequently, the appeal is allowed, the judgment of the High Court is set aside. The matter is remanded back to the High Court for a decision on merits after framing substantial questions of law, which arises for consideration.

The appeal is, accordingly, disposed of.

.....J.
(SURINDER SINGH NIJJAR)

.....J.
(FAKKIR MOHAMED IBRAHIM KALIFULLA)

New Delhi,
September, 30, 2013