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SLP(C)No. 14135 OF 2000
ITEM NO. 38

Court No. 7

SECTION IVA
A/N MATTER

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

Petition(s) for Special Leave to Appeal (Civil) No.14135/2000

(From the judgement and order dated 30/10/1998 in RSA 598/96
of The HIGH COURT OF KARNATAKA AT BANGALORE)

B.C. MARULA SIDDAPPA & ORS.

Petitioner (s)

VERSUS

RUDRA MURTHY & ORS.

Respondent (s)

(With prayer for interim relief)

Date : 19/02/2001 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. S.K. Kulkarni,Adv.
Mr. Vijay Kumar,Adv.

For Respondent (s) Mr. R.S. Hegde,Adv.
Mr. P.P. Singh,Adv.
Mr. Somrsan Sharma,Adv.

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

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

Leave granted.
The appeal is disposed of. Costs on the parties.

.SP1

(Ganga Thakur)
P.S.to Registrar

(V.P. Tyagi)
Court Master

Signed order is placed on the file.

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.PL56

IN THE SUPREME COURT OF INDIA
CIVIL APPELLATE JURISDICTION

CIVIL APPEAL NO. 1334 OF 2001@@
EE

B.C. Marula Siddappa & Ors. ...Appellants.

VERSUS

Rudra Murthy & Ors. ...Respondents

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

Leave granted.

Heard learned counsel for the parties.

The notice itself was issued limited on the question whether the High Court is right in setting aside the concurrent findings of two courts below without framing any substantial question of law as required under Section 100. It is not in dispute in the present case the High Court has not framed any substantial question of law nor decided. Accordingly, the impugned order of the High Court dated 30th October,1996 is unsustainable and the same is quashed. The case is remanded back to the High Court for deciding afresh after considering whether any substantial question of law arises or not and if it arises, must frame the same and dispose it of in

:2:

accordance with law after giving opportunity to the parties to be heard.

With the said observation the present appeal is disposed of. Costs on the parties.

.SP1

.....J
(A.P. MISRA)

New Delhi,
February 19,2001.

.....J
(B.N. AGRAWAL)