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C.A.No. 34 OF 1999
ITEM NO. 110
COURT No.1

SECTION IV-A

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. 34/1999

R.G. Eshwarappa

Appellant(s)

Versus

D Thirthappa

Respondent(s)

(with office report)

DATE : 23/03/2004

This/These matter/matters was/were
called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE S. RAJENDRA BABU

HON'BLE MR. JUSTICE G.P. MATHUR

For Appellant(s) Mr. Girish Ananthamurthy, Adv.
Mr.P.P. Singh, Adv.

For Respondent(s) Mr. T.L.V. Iyer, Sr. Adv.
Ms. Revathy Raghavan, Adv.

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

The appeal is allowed in terms of the signed order.

[Charanjeet Kaur]
Court Master

[Om Prakash]
Court Master

[Signed order is placed on the file]
IN THE SUPREME COURT OF INDIA

CIVIL APPELLATE JURISDICTION

CIVIL APPEAL NO. 34 OF 1999

R.G. Eshwarappa

.
Appellant(s)

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..
Respondent(s)

O R D E R

In a second appeal, the High Court interfered with the decrees of the lower courts without eve

n formulating any question of law as is required by Section 100 of the Code of Civil Procedure . This mandatory requirement is totally ignored by the High Court. In the circumstances, we set aside the judgment made by the High Court and remit the matter to the High Court after restoring the second appeal to its original number. The appeal is allowed accordingly.

.....J[S. RAJENDRA BABU]

.....J [G.P. MATHUR]

NEW DELHI,
MARCH 23,2004.