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C.A.No. 1526 OF 2000

IN THE SUPREME COURT OF INDIA
CIVIL APPELLATE JURISDICTION

CIVIL APPEAL NO.1526 OF 2000

KOPPULA NARAYANA & ORS.

.....APPELLANT (S)

VERSUS

VEERA P.K.H. KRISHNAM RAJU & ORS.

.....RESPONDENT (S)

O R D E R

By the impugned order, the High Court has allowed the appeal without framing the substantial question of law as required under Section 100 of Code of Civil Procedure. This Court has repeatedly held that the High Court does not get the jurisdiction to interfere with the findings recorded by the courts below in second appeal without framing the substantial question of law. In this connection reference may be made to decision of this Court in Panchugopal Barua and Others vs. Umesh Chandra Goswami and Others [(1997) 4 SCC 713]. Since the High Court has interfered with the judgments of the courts below without framing the substantial question of law, the same is set aside and the case is remitted back to the High Court for fresh decision after framing substantial question of law if in its opinion such question of law arises. Since the second appeal pertains to the year 1982, we would request the High Court to dispose of the second appeal as expeditiously as possible. Appeal is allowed in the above terms. No costs.

.....J.

.....

(ASHOK BHAN)

.....J.

.....

(S.H. KAPADIA)

NEW DELHI;
JULY 22, 2004.

ITEM NO.104

COURT NO.10

SECTION XIIA

S U P R E M E C O U R T O F I N D I A
Record of Proceedings

Civil Appeal No.1526/2000

KOPPULA NARAYANA & ORS.

Appellant (s)

VERSUS

VEERA P.K.H. KRISHNAM RAJU & ORS.

Respondent (s)

(With prayer for interim relief and office report)

Date : 22/07/2004 This Petition was called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE ASHOK BHAN

HON'BLE MR. JUSTICE S.H. KAPADIA

For Appellant (s)

Mr. G. Ramakrishan, Adv.

Mr. Wasey Khan, Adv.

Mr. B.Bhawani, Adv.

for Mr. D.Mahesh Babu, Adv.

For Respondent (s)

Mr. P.S. Narasimha, Adv.

Mr. Ananga Bhattacharya, Adv.

Mr. Ravi Prasad, Adv.

for Mr. V.G. Pragasam, Adv.

UPON being hearing, the Court made the following

O R D E R

The appeal is allowed in terms of the signed order.

No costs.

(Satish K. Yadav)

(Kanwal Singh)

Court Master

Court Master

(Signed order is placed on the file)