

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.4626/1999

(From the judgement and order dated 19/11/1997 in RSA 438/90
of The HIGH COURT OF KARNATAKA AT BANGALORE)

MALLAMMA & ANR

Petitioner (s)

VERSUS

SIDDEGOWDA & ORS

Respondent (s)

(With Appln(s). for c/delay in filing and with prayer for interim relief)

Date : 22/01/2001 This Petition was called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE S.P. BHARUCHA
HON'BLE MR. JUSTICE Y.K. SABHARWAL

For Petitioner (s)

Ms. Anu Mohla,Adv. (SCLSC)

For Respondent (s)

Mr. P.R. Ramasesha,Adv.

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

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

Leave granted.
The civil appeal is ordered. No order as to costs.

.SP1

(N. Annapurna)
Court Master

(Shelly Sengupta)
Court Master

(Signed order is placed on the file.)

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IN THE SUPREME COURT OF INDIA@@
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CIVIL APPELLATE JURISDICTION@@
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CIVIL APPEAL NO. 782 OF 2001@@
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(Arising out of S.L.P. (C) No.4626/1999)

Mallamma & Anr.

....Appellant(s)

versus

Siddegowda & Ors.

...Respondent(s)

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

Leave granted.

The order under challenge was passed on a second appeal and the second appeal was allowed reversing the concurrent findings of the two courts below. The order is brief, which it should not be. If a second appeal has to be allowed, a question of law has to be framed and there has to be a detailed discussion of the pleadings, the issues, the evidence and why the concurrent findings of the courts below are to be set aside. The appropriate course, therefore, is to set aside the order under challenge and restore the second appeal (R.S.A.No.438/1990) to the file of the High Court to be disposed of afresh in the manner indicated above, expeditiously.

Order on the appeal accordingly.

No order as to costs.

.SP1

.....J.
(S.P. Bharucha)

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

New Delhi,
January 22, 2001.