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C.A.No. 5992 OF 1998

ITEM No.107

Court No. 2

SECTION IVA

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. 5992 of 1998

B.S. NANJUNDAIAH (DEAD) THR. L.RS. Appellant (s)

VERSUS

K.T. ASHOK KUMAR Respondent (s)

(With office report)

Date : 18/03/2004 This Appeal was called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE S. RAJENDRA BABU
HON'BLE MR. JUSTICE D.M. DHARMADHIKARI
HON'BLE MR. JUSTICE G.P. MATHUR

For Appellant (s) Mr. M. Gireesh Kumar, Adv.
Ms. Sangeeta Kumar, Adv.

For Respondent (s) Mr. Basava Prabhu S. Patil, Adv.
Mr. A.S. Bhasme, Adv.
Mr. B. Subrahmanya Prasad, Adv.
Mr. Shivaprabhu S. Hiremath, Adv.

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

Heard the learned counsel for the parties for a while.

The civil appeal is allowed.

No costs.

[T.I. Rajput] [Om Prakash]
Court Master Court Master

[Signed order is placed on the file]

IN THE SUPREME COURT OF INDIA

CIVIL APPELLATE JURISDICTION

CIVIL APPEAL NO. 5992 OF 1998

B.S. Nanjundiah (Dead) Thr. L.Rs. ...Appellant(s)

Versus

K.T. Ashok Kumar ...Respondent(s)

O R D E R

This appeal arises out of an order made in a second appeal by the High Court. The grievance made by the learned counsel for the appellants is that no substantial question of law has been formulated by the High Court, as required under Section 100 of the Code of Civil Procedure, 1908, before deciding the second appeal. We find force in his submission. Accordingly, the civil appeal is allowed, the order made by the High Court is set aside and the second appeal shall stand restored to its original number for fresh disposal in accordance with law. Considering the nature of the matter and the long pendency of the same, we think that the High Court should dispose of the second appeal as expeditiously as possible.
No costs.

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

.....J.
[D.M. DHARMADHIKARI]

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

New Delhi,
March 18, 2004.