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C.A.No. 6249 OF 1998
IN THE SUPREME COURT OF INDIA
CIVIL APPELLATE JURISDICTION
CIVIL APPEAL NO. 6249 OF 1998

PUTTANAYAKA & ORS.
ANT (S)

.....APPELLANT

VERSUS

B.P.LINGANAYAKA & ORS.
(S)

.....RESPONDENT

O R D E R

Heard the parties.

This appeal by special leave has been filed against judgment rendered by the Karnataka High Court in second appeal whereby the same has been allowed and the judgments passed by the first appellate court as also the trial court have been reversed without formulating any substantial question of law. It is well-settled that in second appeal, High Court is obliged to first formulate the substantial question of law and only thereafter hear and dispose of the appeal. As the said procedure has not been followed, the impugned judgment suffers from serious infirmity.

Accordingly, the appeal is allowed, impugned judgment is set aside and the matter is remitted to the High Court to dispose of the appeal in accordance with law after first formulating substantial question of law, if any. The High Court will dispose of the appeal as expeditiously as possible.

No costs.

.....J.

(B.N. AGRAWAL)

.....J.

(Dr. AR. LAKSHMANAN)

NEW DELHI;
APRIL 21, 2004
ITEM NO.108 COURT NO.10 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.6249/1998

PUTTANAYAKA & ORS.

Appellant (s)

VERSUS

B.P.LINGANAYAKA & ORS.

Respondent (s)

(With office report)

Date : 21/04/2004 This Petition was called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE B.N. AGRAWAL
HON'BLE DR. JUSTICE A.R. LAKSHMANAN

For Appellant (s)
Mr. D.P. Chaturvedi, Adv.
for Mr. S.N. Bhat, Adv.

For Respondent (s)
Mr. S.K. Kulkarni, Adv.
for Mr. P.R. Ramasesh, Adv.

UPON hearing counsel, the Court made the following

O R D E R

The appeal is allowed in terms of the signed order.

(Satish K. Yadav)
Court Master

Court Master

(Kanwal Singh)

(Signed order is placed on the file)