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ITEM NO.205

COURT NO.12

SECTION XIIA

S U P R E M E C O U R T O F I N D I A
RECORD OF PROCEEDINGS

Petition(s) for Special Leave to Appeal (Civil) No(s).18736/2012

(From the judgement and order dated 02/04/2012 in SA No.1437/2011 of The
HIGH COURT OF A.P AT HYDERABAD)

CHAMA CHANDRAMMA & ORS. Petitioner(s)

VERSUS

CHAMA RADAMMA & ORS. Respondent(s)

(With prayer for interim relief and office report)
(for final disposal)

Date: 28/03/2014 This Petition was called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE SUDHANSU JYOTI MUKHOPADHAYA
HON'BLE MR. JUSTICE DIPAK MISRA

For Petitioner(s) Mr. V.Giri, Sr. Adv.
Mrs.D. Bharathi Reddy,Adv.
Ms. Shivani, Adv.

For Respondent(s) Ms. Indu Malhotra, Sr. Adv.
Ms. Mahalakshmi Pavani, Adv.
Mr. G. Balaji, Adv.
Mr. Kush Chaturvedi, Adv.
M/s.Mahalakshmi Balaji & Co.,Adv.

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

Leave granted.
The appeal is disposed of in terms of the Signed Order.

[RAJNI MUKHI]
SR. P.A.

[USHA SHARMA]
COURT MASTER

(Signed Order is placed on the file)

IN THE SUPREME COURT OF INDIA
CIVIL APPELLATE JURISDICTION

CIVIL APPEAL NO.4259 OF 2014
(arising out of SLP (C) No. 18736 of 2012)

SMT. CHAMA CHANDRAMMA & ORS. APPELLANTS

VERSUS

SMT. CHAMA RADAMMA & ORS. RESPONDENTS

O R D E R

Leave granted.

This appeal has been preferred by the appellants against the impugned judgment and decree dated 2nd April, 2012 passed by the High Court of Judicature Andhra Pradesh at Hyderabad in Second Appeal No. 1437 of 2011. By the impugned Judgment and decree, the High Court allowed the second appeal preferred by the respondents.

From the impugned Judgment we find that the learned Single Judge without framing any substantial question of law decreed the suit and reversed the judgment and decree passed by the First Appellate Court. In view of section 100 of the Code of Civil Procedure, High Court while exercising second appellate jurisdiction has to decide a suit only after framing a substantial question of law. Learned counsel for both the parties suggested to remand the matter back to the High Court to decide the second appeal afresh.

For the above reason, we set aside the impugned judgment and remit the matter back to the High Court. It would be open to the respondents to raise the substantial question of law and in such case, if the High Court finds

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the said question of law appropriate, it shall decide the matter expeditiously after formulating the said question of law.

The appeal stands disposed of with the aforesaid observation.

.....J.
(SUDHANSU JYOTI MUKHOPADHAYA)

.....J.
(DIPAK MISRA)

NEW DELHI;
MARCH 28, 2014