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C.A.No. 6475 OF 1998
.UP 10 2; Draft, smtst; -n -PA4 -dFX-NORMAL -y -e; dumbp
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ITEM NO.114 COURT No.6 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.6475/1998@@
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Mohan & Anr. Appellant (s)

VERSUS

Fakirappa B. Sunagar Respondent (s)

(With appln. for exemption from filing OT and Office Report)

Date : 02/08/2001 This Petition was called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE V.N. KHARE
HON'BLE MR. JUSTICE B.N. AGRAWAL

For Appellant (s) Mr. Sanjay Parikh,Adv.
Mr. P.R. Chandrachud,Adv.

For Respondent (s) Mr. P.R. Ramasesh,Adv.

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

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

.SP2

The civil appeal is allowed. There shall be no
order as to costs.

.SP1

(Neelam Kawatra)
Court Master

(S. Krishnan)
Court Master

Signed order is placed on the file.

IN THE SUPREME COURT OF INDIA
CIVIL APPELLATE JURISDICTION
CIVIL APPEAL NO.6475 OF 1998@@
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Mohan & Anr.

Appellant (s)

versus

Fakirappa B. Sunagar

Respondent (s)

O R D E R@@
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This Court, on numerous occasions, have pointed out that the High Court while deciding the second appeal is first required to formulate substantial question of law under Section 100 of the Civil Procedure Code. In the present case, what we find is that the High Court before deciding the second appeal has not formulated any substantial question of law. On this short question, the appeal deserves to to allowed. We, accordingly, set aside the judgment under challenge and send the matter back to the High Court for deciding the second appeal in conformity with the provisions of Section 100 of the Code of Civil Procedure.

The civil appeal is allowed. There shall be no order as to costs.

.SP1

.....J
(V.N. Khare)

New Delhi,
August 02,2001.

.....J
(B.N. Agrawal)