

IN THE SUPREME COURT OF INDIA
CIVIL APPELLATE JURISDICTION

CIVIL APPEAL NO.430/1999

Satappa & Anr.Appellants

Versus

Ramachandra Balu Kumbar & Ors. Respondents

O R D E R

Heard the parties.

This appeal by special leave is against the judgment rendered by the Karnataka High Court in a second appeal whereby the same has been allowed and judgments rendered by the Trial Court as well as the first Appellate Court have been set aside without formulating substantial question of law. It is well settled that in a second appeal, High Court is obliged to first formulate substantial question of law, if any, and then decide the appeal which procedure has not been adopted in the present case. As such, the impugned judgment is liable to be set aside on this ground alone.

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

No costs.

.....J
(B.N.AGRAWAL)

.....J.
(Dr. AR.LAKSHMANAN)

New Delhi,
April 22, 2004.

ITEM NO.113

COURT NO.9

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. 430/1999

Satappa & Anr.APPELLANT (S)

VERSUS

Ramachandra Balu Kumbar & Ors.RESPONDENT(S)

(With office report)

Date : 22/04/2004 This Appeal was called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE B.N. AGRAWAL
HON'BLE DR. JUSTICE AR. LAKSHMANAN

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

For Respondent (s)Ms. Kiran Suri, Adv.

UPON hearing counsel the Court made the following

O R D E R

The appeal is allowed, the impugned judgment is set aside and the matter is remitted to the High Court to dispose of the appeal in accordance with law after formulating substantial question of law, if any.
No costs.

(Sukhbir Paul Kaur)(Kanwal Singh)
Court Master Court Master

(Signed Order is placed on the file)