

C.A.No. 4184 OF 1998  
ITEM No.101

Court No. 9

SECTION IV

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.4184/1998

STATE OF M.P. & ORS.

APPELLANT(S)

VERSUS

VIJAIYARAM SINGH & ORS.  
(With office report)

RESPONDENT(S)

Date : 10/02/2004 This appeal was called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE SHIVARAJ V. PATIL  
HON'BLE DR. JUSTICE AR. LAKSHMANAN

For Appellant (s)Mr. Sakesh Kumar, Adv.  
for Mr. S.K. Agnihotri, Adv.

For Respondent (s)Mr. V.B. Saharya, Adv.  
for M/s. Saharya & Co., Advs.

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

Heard learned counsel for the parties.  
The appeal is disposed of with no costs in  
terms of the signed order.

Sarita (Kanwal Singh)  
Court Master

(Signed order is placed on the file)

IN THE SUPREME COURT OF INDIA  
CIVIL APPELLATE JURISDICTION

CIVIL APPEAL NO.4184 OF 1998

STATE OF M.P. & ORS.

APPELLANTS

VERSUS

VIJAIYARAM SINGH & ORS.

RESPONDENTS

O R D E R

The order made in the second appeal, reversing the concurrent finding of facts recorded by both the courts below, is under challenge in this appeal. The perusal of the impugned order shows that neither any substantial question or questions of law were formulated nor considered. Confronted with this situation, the learned counsel for the parties were not in a position to say that the impugned order can be sustained as it is the one passed without satisfying the mandatory requirement of Section 100 of the Code of Civil Procedure.

In the view we propose to take, we do not wish to express one way or the other on the merits of the respective contentions. In this view, we set aside the impugned order, remit the second appeal to the High Court for fresh disposal, after formulating the substantial question or questions of law, if arises for consideration and dispose of the second appeal.

..2/-

.2.

It is brought to our notice that during the pendency of the proceedings, respondent No.3 has died and his legal representatives are not brought on record. Parties are permitted to bring the legal representatives of respondent No.3 on record before the High Court. The appeal is disposed of accordingly. No costs.

.....J.  
(SHIVARAJ V. PATIL)

New Delhi, (DR. AR. LAKSHMANAN)  
February 10, 2004.

.....J.