

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(s). 1694 OF 2008

V. JANARDHAN

Appellant (s)

VERSUS

KHAJA GHOUSIA (DEAD) BY LRS. AND ANR.

Respondent(s)

(With appln(s) for exemption from filing additional documents
and exemption from filing O.T. and office report)

Date: 25/05/2011 This Appeal was called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE ASOK KUMAR GANGULY
HON'BLE MR. JUSTICE DEEPAK VERMA
(VACATION BENCH)

For Appellant(s)

Mr. Basava Prabhu S. Patil, Sr. Adv.
Mr. A. Chandramohan, Adv.
Ms.T.Anamika, Adv.

For Respondent(s)

Mrs.D. Bharathi Reddy, Adv.

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

The appeal is allowed in terms of the signed
order. No costs.

(DEEPAK MANSUKHANI)
Court Master
(Signed order is placed on the file)
IN THE SUPREME COURT OF INDIA
CIVIL APPELLATE JURISDICTION

(RENU DIWAN)
Court Master

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O R D E R

Heard learned counsel for the parties.

Without going into any question on the merits, we find in
the instant case, the High Court has decided the Second Appeal
by the impugned judgment dated 19th July, 2006 without framing

any substantial question of law. Several judgments have been rendered by this Court condemning such practice by the High Court where the High Court proceeds to decide a Second Appeal without framing any substantial question of law since it is contrary to the mandate of Section 100 CPC. On this ground alone, the impugned judgment of the High Court is set aside at the instance of the present appellant who was granted leave by order dated 1.2.2008.

We remand the matter to the High Court for the decision of the Second Appeal in accordance with law. Since considerable time has elapsed, we request Hon'ble the Chief Justice of the High Court to explore the possibility of getting the same listed before the appropriate Bench so that it can be disposed of as early as possible preferably within a period of four months from the date of presentation of this order before the High Court.

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We, however, make it clear that we have not made any observations on the merits of the case.

The appeal is allowed accordingly. No costs.

.....J.
(ASOK KUMAR GANGULY)

.....J.
(DEEPAK VERMA)

NEW DELHI
MAY 25, 2011.