

**IN THE SUPREME COURT OF INDIA
CIVIL APPELLATE JURISDICTION**

CIVIL APPEAL NO. 4744 OF 2008
[Arising out of SLP(C) No.1382/2007]

NANI AND ANR. ... **APPELLANT(S)**
:VERSUS:
B. UMANANDA NAIK AND ORS. ... **RESPONDENT(S)**

ORDER

Leave granted.

Having heard the learned counsel for the parties, we are of the opinion that as no substantial question of law, as is required in terms of sub-section (4) of Section 100 of the Code of Civil Procedure, has been framed by the High Court, the impugned judgment cannot be sustained. It is set aside accordingly and the matter is remitted to the High Court for consideration thereof afresh.

All the contentions of the parties shall remain open.

The appeal is disposed of accordingly.

.....J
(S.B. SINHA)

.....J
(CYRIAC JOSEPH)

**NEW DELHI,
JULY 28, 2008.**