

IN THE SUPREME COURT OF INDIA

CIVIL APPELLATE JURISDICTION

CIVIL APPEAL NO. 1063 OF 2009
(Arising out of S.L.P.(C) No.27915/2008)

Narain Peswani ...Appellant(s)

Versus

Mudit Gangal & Anr. ...Respondent(s)

ORDER

Leave granted.

Keeping the question of interpretation of Section 100 C.P.C. raised in the S.L.P. open, on the facts of this case, we set aside the impugned judgment, restore Second Appeal No.1195/2007 on the file of the Andhra Pradesh High Court and we direct the High Court to frame substantial question of law in terms of Section 100 C.P.C. and thereafter decide the matter on merits in accordance with law. We request the High Court to expeditiously hear and dispose of the Second Appeal, preferably within nine months from today. We make it clear that we are expressing no opinion on the merits of this case. We keep all arguments on both sides on merits expressly open.

Civil Appeal is disposed of accordingly.

No order as to costs.

.....J.
(S.H. KAPADIA)

.....J.
(AFTAB ALAM)

New Delhi,
February 13, 2009.
ITEM NO.41

COURT NO.5

SECTION XIIA

SUPREME COURT OF INDIA
RECORD OF PROCEEDINGS

Petition(s) for Special Leave to Appeal (Civil) No(s).27915/2008

(From the judgement and order dated 27/06/2008 in SA No.1195/2007 of the HIGH COURT OF A.P. AT HYDERABAD)

NARAIN PESWANI Petitioner(s)

VERSUS

MUDIT GANGAL & ANR Respondent(s)

