

IN THE SUPREME COURT OF INDIA
CIVIL APPELLATE JURISDICTION

CIVIL APPEAL NO.4740 OF 2021
(Arising out of Special Leave Petition (C) No(s). 9008/2014)

THUMU VENKATA NARAYANA & ORS.

APPELLANT(s)

VERSUS

KURUMOJU NARASIMHA CHARY & ANR.

RESPONDENT(s)

O R D E R

Leave granted.

The present appeal has been filed against an order passed by the High Court of Judicature of Andhra Pradesh on 20.01.2014 in SA No. 26 of 2006, whereby the second appeal was allowed *inter alia* on the ground that the First Appellate Court has failed to properly appreciate the oral and documentary evidence on record and accepted the circumstances urged by the defendant Nos. 2 to 5 as suspicious circumstances.

A perusal of the order of the High Court shows that the High Court has examined the evidence as a court of first appeal, though at certain places, it has recorded that the findings of the First Appellate Court are perverse. No substantial questions of law were framed. The High Court relied upon the substantial questions of law in the memo of appeal filed by the appellant. A reading of such substantial questions of law shows that they are more on facts rather than on law.

In view of the said fact, we find that the order of the High Court interfering in the finding of fact recorded by the First Appellate Court without framing substantial questions of law cannot be sustained. Consequently, we set aside the order of the High Court and restore the second appeal on the file of the High Court.

It shall be open to the plaintiffs to reformulate the questions of law for the consideration of the High Court. Since the appeal is of 2006, we hope that the matter will receive due attention of the High Court to decide the appeal at an early stage.

The Civil Appeal is disposed of accordingly.

..... J.
(HEMANT GUPTA)

..... J.
(A.S. BOPANNA)

NEW DELHI;
AUGUST 11, 2021.

ITEM NO.9 Court 13 (Video Conferencing) SECTION XII-A

S U P R E M E C O U R T O F I N D I A
RECORD OF PROCEEDINGS

Petition(s) for Special Leave to Appeal (C) No(s). 9008/2014

(Arising out of impugned final judgment and order dated 20-01-2014
in SA No. 26/2006 passed by the High Court Of A.P. At Hyderabad)

THUMU VENKATA NARAYANA & ORS. Petitioner(s)

VERSUS

KURUMOJU NARASIMHA CHARY & ANR. Respondent(s)

Date : 11-08-2021 This petition was called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE HEMANT GUPTA
HON'BLE MR. JUSTICE A.S. BOPANNA

For Petitioner(s) Mr. M.N. Rao, Sr. Adv.
Mr. Ramesh Allanki, Adv.
Ms. Aruna Gupta, Adv.
Ms. Aaina Verma, Adv.
Mr. Syed Ahmed Naqvi, Adv.
Mr. A. Venayagam Balan, AOR

For Respondent(s) Mr. Y. Raja Gopala Rao, AOR

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

Leave granted.

The Civil Appeal is disposed of in terms of the signed order.

Pending application(s), if any, stands disposed of
accordingly.

(SWETA BALODI)
COURT MASTER

(ANITA RANI AHUJA)
ASSTT. REGISTRAR

(Signed order is placed on the file)