

(2009) 07 SC CK 0017

In the Supreme Court Of India

Case No : Civil Appeal No. 7790 of 2001

Kanwar Singh and Others

APPELLANT

Vs

Nanbai and Others

RESPONDENT

Date of Decision : 14-07-2009

Acts Referred:

Civil Procedure Code, 1908 (CPC) — Section 100

Citation : (2009) 07 SC CK 0017

Hon'ble Judges : G. S. Singhvi, J;B. N. Agrawal, J

Bench : Division Bench

Final Decision : Allowed

Judgement

1. Heard learned Counsel for the parties.
2. By the impugned order, the High Court has dismissed the second appeal without considering as to whether any substantial question of law arises therein or not, which was necessary in view of the provisions engrafted u/s 100 of the Code of Civil Procedure, 1908. As such, the appeal is fit to be allowed.
3. Accordingly, the appeal is allowed, impugned order is set aside and the matter is remitted to the High Court. On remand, the High Court will consider as to whether any substantial question of law arises in second appeal and thereafter decide the same in accordance with law after giving opportunity of hearing to the parties.
4. No costs.