

(2001) 04 SC CK 0061

In the Supreme Court Of India

Case No : Civil Appeal No. 15003 Of 1996

Poora Mosque and Madrase

APPELLANT

Vs

Krishnan and Others

RESPONDENT

Date of Decision : 18-04-2001

Acts Referred:

Code of Civil Procedure, 1908 — Section 100

Citation : (2002) 1 AWC 291

Hon'ble Judges : S. Rajendra Babu, J;D. P. Mohapatra, J

Bench : Division Bench

Final Decision : Dismissed

Judgement

S. Rajendra Babu J.-This appeal is directed against the judgment of the High Court in a second appeal arising under Section 100 of the Code of Civil Procedure. Section 100 CPC requires formulation of a question of law before the matter could be considered by the court. In the present case, there is no formulation of such question at all. In the absence of the formulation of the question of law the High Court could not have entertained the second appeal or decided the same. Therefore, we set aside the order made by the High Court and remit the matter for fresh consideration in accordance with law and in the light of this order.

2. The appeal is allowed accordingly. There shall be no order as to costs.