

(2009) 05 SC CK 0119

In the Supreme Court Of India

Case No : Civil Appeal No. 3544 of 2009 (Arising out of S.L.P. (C) No. 1444 of 2008)

Surat Singh

APPELLANT

Vs

Hukam Singh Negi

RESPONDENT

Date of Decision : 13-05-2009

Acts Referred:

Civil Procedure Code, 1908 (CPC) — Section 100

Citation : (2009) 05 SC CK 0119

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

Bench : Full Bench

Final Decision : Dismissed

Judgement

1. Leave granted.
2. Heard learned Counsel for the parties.
3. By the impugned order, the High Court has allowed the appeal without framing any substantial question of law, which is mandatory u/s 100 of the Code of Civil Procedure, 1908.
4. Accordingly, the appeal is allowed and the impugned order rendered by the High Court is set aside. Now, the High Court shall consider whether any substantial question of law arises in the second appeal and then decide the same in accordance with law after giving opportunity of hearing to the parties.