

Supreme Court Of India

Civil Appeal No. 1526 Of 2000

Judgment Date:

22-07-2004

Koppula Narayana and others

Vs

Veera P.K.H. Krishnam Raju and others

Bench :

{ **HON'BLE MR. JUSTICE ASHOK
BHANHON'BLE MR. JUSTICE S.H.
KAPADIA** }

Citation :

Judgment

1. By the impugned order, the High Court has allowed the appeal without framing the substantial question of law as required under Section 100 of Code of Civil Procedure. This Court has repeatedly held that the High Court does not get the jurisdiction to interfere with the finding recorded by the courts below in second appeal without framing the substantial question of law. In this connection reference may be made to decision of this Court in Panchugopal Barua and others vs. Umesh Chandra Goswami and others (1997) 4 SCC 713).

2. Since the High Court has interfered with the judgments of the courts below without framing the substantial question of law, the same is set aside and the case is remitted back to the High Court for fresh decision after framing substantial question of law if in its opinion such question of law arises. Since the second appeal pertains to the year 1982, we would request the High Court to dispose of the second appeal as expeditiously as possible.

3. Appeal is allowed in the above terms. No costs.