

IN THE SUPREME COURT OF INDIA
CIVIL APPELLATE JURISDICTION
CIVIL APPEAL NOS.1807-1808 OF 2009
(Arising out of S.L.P. (C) Nos.17787-17788 of 2007)

Sarat Chand Mishra

...Appellant(s)

Versus

Kula Nand Ghadiwal & Ors.

...Respondent(s)

O R D E R

Leave granted.

Heard learned counsel appearing on behalf of the appellant.

In spite of service of notice, nobody has entered appearance on behalf of the respondents to contest the prayer made in these appeals.

A perusal of the impugned orders show that while admitting the second appeal, the High Court framed two questions of law by terming them as substantial questions of law. However, the appeal was finally dismissed without any adjudication on those questions of law. The review application filed by the appellant was also dismissed. In our view, the High Court's failure to decide the questions of law framed by it is, by itself, sufficient for setting aside the impugned orders.

Accordingly, the appeals are allowed, impugned orders are set aside and the matter is remitted to the High Court for disposal of the second appeal in accordance with law after giving opportunity of hearing to the parties.

.....J.
[B.N. AGRAWAL]

.....J.
[G.S. SINGHVI]

**New Delhi,
March 23, 2009.**