

IN THE SUPREME COURT OF INDIA
CIVIL APPELLATE JURISDICTION
CIVIL APPEAL NOS.5349-5351 OF 2001

V.R. Sivasubramania Nadar (Dead) By L.Rs. ...Appellant(s)

Versus

Sinnammal (Dead)by L.Rs. & Ors. ...Respondent(s)

O R D E R

Heard learned counsel for the parties.

By the impugned order, the High Court has dismissed second appeals without considering as to whether any substantial question of law arises therein or not, which was necessary in view of the provisions engrafted under Section 100 of the Code of Civil Procedure, 1908. As such, the appeals are fit to be allowed.

Accordingly, the appeals are 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 appeals and thereafter decide the same in accordance with law after giving opportunity of hearing to the parties.

No costs.

[B.N. AGRAWAL]

.....J.

[G.S. SINGHVI]

.....J.

**New Delhi,
July 14 2009.**