

IN THE SUPREME COURT OF INDIA

CIVIL APPELLATE JURISDICTION

CIVIL APPEAL NO.6086 OF 2008
(Arising out of S.L.P. (C) No.8039/2007)

Digambar

...Appellant(s)

Versus

Trimbak

...Respondent(s)

O R D E R

Though the case was placed under the heading “Incomplete After Notice Matters” but learned counsel for the parties agreed that argument be heard in the matter.

Leave granted.

Heard learned counsel for the parties.

By the impugned order, High Court allowed the second appeal pending before it without formulating substantial question of law which is mandatory in case any substantial question of law arises in such an appeal. As no such question of law has been framed, impugned order is fit to be set aside on this ground alone.

Accordingly, civil appeal is allowed, impugned order rendered by the High Court is set aside and the second appeal is remitted to the High Court to be disposed of afresh after formulating substantial question of law, if any.

[B.N. AGRAWAL]

.....J.

[G.S. SINGHVI]

.....J.

**New Delhi,
October 13, 2008.**

