

IN THE SUPREME COURT OF INDIA

CIVIL APPELLATE JURISDICTION

CIVIL APPEAL NO. 3961 OF 2011
(@ SPECIAL LEAVE PETITION(C)NO.18892 OF 2007)

PRAMILLA & ORS.

... APPELLANTS

VERSUS

SEEMA AGARWAL & ORS.

... RESPONDENTS

O R D E R

Leave granted.

We have heard learned senior counsel appearing for the parties at length.

We are of the considered view that the High Court ought to have formulated substantial questions of law before proceeding to decide the Second Appeal on merits. This Court in a number of judgments has clearly laid down the principle that the High Court ought to have formulated substantial questions of law before deciding the same on merits. In the case of Gurdev Kaur and Others Vs. Kaki and Others, (2007) 1 SCC p.546, this Court had elaborately dealt with the cases decided by this Court on the same principle.

On consideration of the totality of facts and circumstances of this case, in our considered view, the impugned judgment of the High Court cannot be sustained and the same is accordingly set aside and we remit the matter to the High Court for deciding the same afresh after formulating substantial questions of law.

Since the matter has remained pending in this Court for quite some time, we request the High Court to dispose of the Second Appeal as expeditiously as possible.

To avoid any delay, we direct the parties to appear before the High Court on 17.05.2011.

With these observations, this appeal is disposed of, leaving the parties to bear their own costs.

.....J.
(DALVEER BHANDARI)

.....J.
(DEEPAK VERMA)

NEW DELHI;
5TH MAY, 2011