

NON-REPORTABLE

IN THE SUPREME COURT OF INDIA

CIVIL APPELLATE JURISDICTION

CIVIL APPEAL NO.2629 OF 2009
(Arising out of SLP(C) No. 16522 of 2007)

Ragulavalasa Chiranjeevi Rao

.....Appellant

Versus

State of Andhra Pradesh & Ors.

.....Respondents

ORDER

Leave granted.

- 2) We have heard the learned counsel for the parties.
- 3) In this appeal, the appellant challenges the judgment and order passed by the High Court of Andhra Pradesh in Second Appeal No. 347 of 1997 dated 21.2.2007.
- 4) We have carefully perused the judgment of the High Court. In our considered view, the approach of the High Court is contrary to the mandatory provisions of Section 100 of Code of Civil Procedure. On this short ground, the judgment of the High Court is unsustainable

and therefore requires to be set aside. We do so. The High Court will now consider as to whether any substantial question of law or questions of law would arise on the basis of the pleadings of the parties, if they arise as indicated above, and then, will hear the parties and dispose of the same in accordance with law. The appeal is disposed of accordingly.

.....J.
[TARUN CHATTERJEE]

.....J.
[H.L. DATTU]

**New Delhi,
March 17, 2009.**