

IN THE SUPREME COURT OF INDIA
CIVIL APPELLATE JURISDICTION

CIVIL APPEAL NO. 5877 OF 2008

[Arising out of SLP(C) No.1847/2005]

RAM KISHAN

... APPELLANT(S)

:VERSUS:

LALI ALIAS KRISHANA

... RESPONDENT(S)

ORDER

Leave granted.

The primary question involved in the suit filed by the respondent herein was as to whether she was the daughter of Molhar. That was the first issue framed by the learned Trial Judge.

Indisputably, the said issue was determined in favour of the appellant and against the respondent by both the learned Trial Judge and the First Appellate Court.

The High Court framed the following question to be the substantial question of law involved in the second appeal preferred by the respondent herein:

“Whether it has been proved from evidence that the appellant is the daughter of Molhar?”

.2.

By reason of the impugned judgment, the High Court has entered into

evidence adduced on behalf of the parties and reversed the findings of fact arrived at by the Courts below. It was, in our opinion, impermissible, as ex-facie the question formulated by the High Court at the time of the admission of the appeal was not a substantial question of law.

For the reasons aforementioned, the impugned judgment cannot be sustained and it is set aside accordingly. The appeal is allowed.

However, in the facts and circumstances of this case, there shall be no order as to costs.

.....J
(S.B. SINHA)

.....J
(CYRIAC JOSEPH)

NEW DELHI,
SEPTEMBER 26, 2008.