

IN THE SUPREME COURT OF INDIA
CIVIL APPELLATE JURISDICTION
CIVIL APPEAL NO.3544 OF 2009
(Arising out of S.L.P. (C) No.1444 of 2008)

Surat Singh

...Appellant(s)

Versus

Hukam Singh Negi

...Respondent(s)

O R D E R

Leave granted.

Heard learned counsel for the parties.

By the impugned order, the High Court has allowed the appeal without framing any substantial question of law, which is mandatory under Section 100 of the Code of Civil Procedure, 1908.

Accordingly, the appeal is allowed and the impugned order rendered by the High Court is set aside. Now, the High Court shall consider whether any substantial question of law arises in the second appeal and then decide the same in accordance with law after giving opportunity of hearing to the parties.

JUDGMENT

[B.N. AGRAWAL]

.....J.

[G.S. SINGHVI]

.....J.

[DR. B.S. CHAUHAN]

.....J.

**New Delhi,
May 13, 2009.**