

IN THE SUPREME COURT OF INDIA
CIVIL APPELLATE JURISDICTION
CIVIL APPEAL NOS.3560-3561 OF 2009
(Arising out of S.L.P. (C) Nos.6060-6061 of 2008)

Satyendra Kumar (Dead) Thr. L.Rs. ...Appellant(s)

Versus

Mast Ram Uniyal (Dead) Thr. L.Rs. ...Respondent(s)

O R D E R

Leave granted.

Heard learned counsel for the parties.

By the impugned order, the High Court, though framed substantial question of law involved in second appeals but without deciding the same, allowed the appeals and remitted the matter to the First Appellate Court. In our view, on this ground alone, the impugned order is fit to be set aside.

Accordingly, the appeals are allowed, impugned order rendered by the High Court is set aside and the matter is remanded to it to decide second appeals in accordance with law after giving opportunity of hearing to the parties.

.....J.
[B.N. AGRAWAL]

.....J.
[G.S. SINGHVI]

.....J.
[DR. B.S. CHAUHAN]

**New Delhi,
May 14, 2009.**