

**IN THE SUPREME COURT OF INDIA
CIVIL APPELLATE JURISDICTION
CIVIL APPEAL NO.4620 OF 2008
(Arising out of SLP(C)No.3664 of 2007)**

PARAMJIT SINGH

**.....APPELLANT(S)
VERSUS**

STATE OF PUNJAB & ORS.

....RESPONDENT(S)

O R D E R

Leave granted.

After having heard learned counsel for the parties and after going through the final judgment and order dt.05.02.2007 passed by the High Court of Punjab and Haryana at Chandigarh in Regular Second Appeal No.3876 of 1997, we find that the High Court without framing any substantial question of law allowed the Second Appeal of the respondent under Section 100 CPC and set aside the findings of the two courts below. In view of the decision of this Court in Gian Dass vs. Gram Panchayat, Village Sunner Kalan and Ors., (2006) 6 SCC 271 and C.A.Sulaiman & Ors. vs. State Bank of Travancore, Alwayee & Ors., (2006) 6 SCC 392 in which it was held that without formulating the substantial question of law, judgment rendered by the High Court in second appeal cannot be sustained, we set aside the impugned judgment of the High Court and remit the matter back to the High Court to decide the same afresh on merits, after formulating a substantial question of law, within six months from the date of communication of this order. The appeal is allowed accordingly. There shall be no order as to costs.

**.....J.
(TARUN CHATTERJEE)**

**.....J.
(AFTAB ALAM)**

**NEW DELHI;
JULY 17, 2008.**