

IN THE SUPREME COURT OF INDIA

CIVIL APPELLATE JURISDICTION

CIVIL APPEAL NO.2184 OF 2009
(Arising out of S.L.P. (C) No.13606 of 2006)

Govindappa

...Appellant(s)

Versus

R. Mariyappa (Dead) By L.Rs. & Ors. ...Respondent(s)

O R D E R

Leave granted.

Heard learned counsel for the parties and perused the record.

The suit for specific performance of agreement of sale dated 29.04.1993 filed by the appellant against respondent Nos.1 to 4 was dismissed by the Trial Court vide judgment dated 01.07.2005. The appellant challenged the same in Regular First Appeal No. 1133 of 2005. By the impugned order, the High Court admitted the appeal *qua* the share of respondent No.1, but dismissed *qua* respondent Nos. 2 to 4. In our view, the High Court was not justified in piecemeal disposal of the appeal. Instead of doing so, the High Court should have disposed of the appeal by simultaneously deciding all the issues raised by the parties.

Accordingly, the appeal is allowed, impugned order is set aside and the matter is remitted to the High Court for disposal of the appeal in accordance with law after giving opportunity of hearing to the parties.

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

.....J.
[B. SUDERSHAN REDDY]

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

New Delhi,
April 06, 2009.