

SUPREME COURT OF INDIA

H.G. Venkataramanaiah

Vs.

Subba Pujari

(S.P.Kurdukar and R.P.Sethi, JJ.)

30.08.1999

ORDER

S.P.KURDUKAR AND; R.P.SETHI, JJ

1. DELAY condoned
2. Leave granted
3. LEAVE granted—Heard learned counsel for the parties. This appeal is directed against the judgment and decree dated 2-9-1997 in RSA No. 804 of 1989. The High Court has interfered with the findings of fact while exercising jurisdiction under Section 100 CPC. The High Court has also not framed any substantial question of law as required to be done under Section 100 of the Civil Procedure Code. We are, therefore, of the opinion that the impugned judgment is unsustainable. We accordingly set aside the impugned judgment and remit the matter back to the High Court. We hope the High Court will formulate substantial question(s) of law in terms of Section 100 CPC, if any, arises on the records of the case and will dispose of the same in accordance with law
4. THE appeal is allowed. In the circumstances, no order as to costs. ;