

SUPREME COURT OF INDIA

G. Thankamma Amma

Vs.

N. Raghava Kurup

(S. R. Babu and S.N. Phukan JJ.)

16.03.2000

ORDER

S. RAJENDRA BABU, J.

1. Leave granted.
2. Heard learned Counsel for the parties.
3. This appeal is directed against the order made by the High Court in a Second Appeal. Perusal of the judgment made by the High Court does not disclose that there is any formulation of question of law as contemplated under Section 100 of the CPC before deciding the matter. The scope of Section 100 C.P.C. has been explained by this Court time and again and it is wholly unnecessary to refer to those decisions. In the circumstances of the case, we set aside the order made by the High Court and remit the matter to the High Court for fresh consideration after framing an appropriate question of law. The appeal is allowed accordingly. There shall be no order as to costs.