

SUPREME COURT OF INDIA

Manorama Thampuratti

Vs.

C.K. Sujatha Thampuratti

C.A.No.2908 of 2001

(S. B. Majmudar and D. P. Mohapatra JJ.)

10.01.2000

ORDER

1. Leave granted.

2. We have heard learned Counsel for the parties finally with their consent.

3. Learned Counsel for the appellant submitted that the High Court while deciding the second appeal has not kept in view the limited jurisdiction conferred on it under Section 100 of the CPC, nor has it framed substantial questions of law for its decision. Learned Counsel for the respondents could not effectively combat this contention. A mere look at the impugned Order shows that the High Court has allowed the second appeal and remanded the proceedings without strictly following the procedure laid down under Section 100 of the CPC. Only on this short ground and without expressing any opinion on the merits of the controversy between the parties, this appeal is allowed. The impugned judgment and Order of the High Court are set aside. Second Appeal No. 7 of 1998-A is restored to the file of the High Court with a request to redecide the same in accordance with the limited jurisdiction conferred under Section 100 of the CPC after following the procedure laid down therein. No costs.

