

SUPREME COURT OF INDIA

B.S. Nanjundaiah (Dead) Through Lrs.

Vs.

K.T. Ashok Kumar

C.A.No.5992 of 1998

(G. P. Mathur, S. R. Babu and D. M. Dharmadhikari JJ.)

18.03.2004

ORDER

The Order of the Court is as follows

1. This appeal arises out of an order made in a second appeal by the High Court. The grievance made by the learned counsel for the appellants is that no substantial question of law has been formulated by the High Court, as required under Section 100 of the *Code of Civil Procedure, 1908*, before deciding the second appeal. We find force in his submission. Accordingly, the civil appeal is allowed, the order made by the High Court is set aside and the second appeal shall stand restored to its original number for fresh disposal in accordance with law.

2. Considering the nature of the matter and the long pendency of the same, we think that the High Court should dispose of the second appeal as expeditiously as possible. No costs.