

SUPREME COURT OF INDIA

Nani

Vs.

B Umananda Naik

C.A.No.4744 of 2008

(S.B. Sinha and Cyriac Joseph JJ.)

28.07.2008

ORDER

1. Leave granted.
2. Having heard the learned counsel for the parties, we are of the opinion that as no substantial question of law, as is required in terms of sub-section (4) of Section 100 of the *Code of Civil Procedure*, has been framed by the High Court, the impugned judgment cannot be sustained. It is set aside accordingly and the matter is remitted to the High Court for consideration thereof afresh.
3. All the contentions of the parties shall remain open.
4. The appeal is disposed of accordingly.