

SUPREME COURT OF INDIA

Saleha Begum

Vs.

Mehmood Yar Khan

C.A.Nos.14724-14726 of 1996

(Markandey Katju and B. Sudershan Reddy JJ)

18.02.2009

ORDER

1. Heard Ms. Indu Malhotra, learned senior counsel, instructed by Ms. Madhu Moolchandani, learned advocate for the appellant.
2. None appears for the respondents although notice has been served.
3. The appellant filed a suit against the respondents for declaration of ownership and consequential relief of possession was also claimed. Both the Trial Court as well as the First Appellate Court found that the appellant is the owner of the property in dispute. When the matter went up to the High Court, without even framing any question of law, it held that the civil court did not have jurisdiction as the matter was covered by the *Hyderabad Houses (Rent, Eviction and Lease) Control Act, 1954*.
4. In our opinion, there was no substantial question of law which warranted entertainment of the second appeal by the High Court. In fact, the High Court did not even say that there was any substantial question of law in the second appeal. In the circumstances, we set aside the impugned judgement of the High Court and restore the decree and judgements of the Trial Court and the First Appellate Court.
5. The civil appeals are, accordingly, allowed. No order as to costs.