

**SUPREME COURT OF INDIA**

Raghuvalasa Chiranjeevi Rao

Vs.

State of A.P

C.A.No.2629 of 2009

(Tarun Chatterjee and H.L. Dattu JJ)

17.03.2009

**ORDER**

1. Leave granted.
2. We have heard the learned counsel for the parties.
3. In this appeal, the appellant challenges the judgment and order passed by the High Court of Andhra Pradesh in Second Appeal No. 347 of 1997 dated 21.2.2007.
4. We have carefully perused the judgment of the High Court. In our considered view, the approach of the High Court is contrary to the mandatory provisions of Section 100 of Code of Civil Procedure. On this short ground, the judgment of the High Court is unsustainable and therefore requires to be set aside. We do so. The High Court will now consider as to whether any substantial question of law or questions of law would arise on the basis of the pleadings of the parties, if they arise as indicated above, and then, will hear the parties and dispose of the same in accordance with law. The appeal is disposed of accordingly.