

SUPREME COURT OF INDIA

Sarat Chand Mishra

Vs.

Kula Nand Ghadiwal

C.A.Nos.1807-1808 of 2009

(B.N. Agrawal and G.S. Singhvi JJ.)

23.03.2009

ORDER

Leave granted.

1. Heard learned counsel appearing on behalf of the appellant.
2. In spite of service of notice, nobody has entered appearance on behalf of the respondents to contest the prayer made in these appeals.
3. A perusal of the impugned orders show that while admitting the second appeal, the High Court framed two questions of law by terming them as substantial questions of law. However, the appeal was finally dismissed without any adjudication on those questions of law. The review application filed by the appellant was also dismissed. In our view, the High Court's failure to decide the questions of law framed by it is, by itself, sufficient for setting aside the impugned orders.
4. Accordingly, the appeals are allowed, impugned orders are set aside and the matter is remitted to the High Court for disposal of the second appeal in accordance with law after giving opportunity of hearing to the parties.