

SUPREME COURT OF INDIA

Kundan Singh(Dead)

Vs.

Salinder Kaur

C.A.No.6125 of 2010

(Dalveer Bhandari and Deepak Verma JJ.)

30.07.2010

ORDER

1. Delay condoned in filing Substitution Application and refiling the Special Leave Petition. Substitution application is allowed.

2. Leave granted.

3. This appeal is directed against the judgment dated 26.05.2004 delivered in Regular Second Appeal No.3137 of 1986 by the High Court of Punjab and Haryana at Chandigarh. The short grievance which has been articulated by learned senior counsel for the appellant that the learned Single Judge allowed the Second Appeal without formulating the substantial question of law, which is the basic requirement of Section 100 of the Code of Civil Procedure.

4. This Court, in a series of judgments have categorically observed that the High Courts would not be justified in entertaining the Second Appeal without formulating substantial question of law.

5. Learned counsel placed reliance on the judgment of this Venkayamma, (2009) 4 SCC p.244 in this regard. In this view of the matter, we are constrained to set aside the impugned judgment and remit the case to the High Court. The High Court is requested to decide the appeal expeditiously in accordance with law.

6. The Civil Appeal is, accordingly, disposed of. No costs.