

IN THE SUPREME COURT OF INDIA

CIVIL APPELLATE JURISDICTION

CIVIL APPEAL NO.6125 OF 2010
(Arising out of SLP(C)No.1225 of 2005)

KUNDAN SINGH (DEAD) & ANR. ... APPELLANT(S)

VERSUS

SALINDER KAUR & ORS. ... RESPONDENT(S)

O R D E R

Delay condoned in filing Substitution Application and
refiling the Special Leave Petition.

Substitution application is allowed.

Leave granted.

This appeal is directed against the judgment date
26.05.2004 delivered in Regular Second Appeal No.3137 of 1986 by

the High Court of Punjab and Haryana at Chandigarh. The
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.

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.

Learned counsel placed reliance on the judgment of this
Court in Koppisetty Venkatratnam (D) through LRs Vs. Pamar
ti 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

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remit the case to the High Court. The High Court is requested to
decide the appeal expeditiously in accordance with law.

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

.....J.
(DALVEER BHANDARI)

.....J.
(DEEPAK VERMA)

NEW DELHI;
30TH JULY, 2010

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ITEM NO.37

COURT NO.4

SECTION IVB

S U P R E M E C O U R T O F I N D I A
RECORD OF PROCEEDINGS

Petition(s) for Special Leave to Appeal (Civil) No(s).1225/2005
(From the judgement and order dated 26/05/2004 in RSA No.
3137/1986 of The HIGH COURT OF PUNJAB & HARYANA AT CHANDIGARH)

KUNDAN SINGH(DEAD) & ANR.

Petitioner(s)

VERSUS

SALINDER KAUR & ORS.

(With appln(s) for c/delay in
appln.,bringing LRs on record,c/delay
office report)

Respondent(s)
filing substitution
in refiling SLP and

Date: 30/07/2010 This Petition was called on for hearing
today.

CORAM :

HON'BLE MR. JUSTICE DALVEER BHANDARI
HON'BLE MR. JUSTICE DEEPAK VERMA

For Petitioner(s) Mr.Nidhesh Gupta,Sr.Adv.
Mr.Tarun Gupta,Adv.
Ms. S. Janani,Adv.

For Respondent(s) Mrs.Amita Gupta,Adv.

UPON hearing counsel the Court made the following
O R D E R

Delay condoned in filing Substitution Application and
refiling the Special Leave Petition.

Substitution application is allowed.

Leave granted.

The Civil Appeal is disposed of, in terms of the signed
order. No costs.

(G.V.Ramana)
Court Master

(Neeru Bala Vij)
Court Master

(signed order is placed on the file)