

ITEM NO.37

COURT NO.15

SECTION XII-A

S U P R E M E C O U R T O F I N D I A  
R E C O R D O F P R O C E E D I N G S

Petition for Special Leave to Appeal (C) No.27761/2024

[Arising out of impugned final judgment and order dated 20-09-2024 in SA No. 518/2023 passed by the High Court of Andhra Pradesh at Amravati]

U. SUDHEERA &amp; ORS.

Petitioner(s)

VERSUS

C. YASHODA &amp; ORS.

Respondent(s)

(IA No.269404/2024-EXEMPTION FROM FILING C/C OF THE IMPUGNED JUDGMENT)

Date : 02-12-2024 This petition was called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE J.B. PARDIWALA

HON'BLE MR. JUSTICE R. MAHADEVAN

For Petitioner(s)

Mr. K. Parameshwar, Sr. Adv.

Mr. Nishanth Patil, AOR

Mr. MV Mukunda, Adv.

Mr. Mithun Shashank, Adv.

Ms. Kanti, Adv.

For Respondent(s)

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

1. The impugned order passed by the High Court reads thus:-

"Learned counsel for the respondent No.9 is present.

Notice sent to respondent No.8 was served.

Therefore, service of respondent No.8 is 'held sufficient'.

Learned counsel for the appellant is permitted to take out steps for filing substitute service against the respondent Nos.4, 6 and 7.

It was represented by the learned Senior Counsel for the appellant, Sri S. Rajendra Prasad that the appellant

is in possession and enjoyment of the scheduled property as on today and the respondents are making efforts for interfering with the possession of the appellant.

Considering the representation made by the learned Senior Counsel for the appellant, both parties are directed to maintain status-quo till 25.09.2024.

List the matter on 25.09.2024."

2. The aforesaid is indicative of the fact that the High Court without formulating any substantial question of law arising in the second appeal proceeded to grant interim relief in the form of *status-quo*.

3. The learned counsel appearing for the petitioner would submit that the High Court acquires jurisdiction to decide the second appeal or deal with the second appeal on merits only when it frames a substantial question of law as required to be framed under Section 100 of the Civil Procedure Code, 1908.

4. He would submit that the High Court could not have granted interim relief without formulating any substantial question of law arising in the second appeal.

5. To fortify his aforesaid submission, the learned counsel placed reliance on three decisions of this Court, i.e., (i) Ram Phal vs. Banarasi (2003) 11 SCC 762, (ii) Raghavendra Swamy Mutt vs. Uttaradi Mutt (2016) 11 SCC 235 and (iii) Bhagyashree Anant Gaonkar vs. Narendra (2023) SCC Online 1236.

6. Issue notice for final disposal on 9-12-2024.

7. Direct service be given to the learned counsel appearing for the petitioner.

(VISHAL ANAND)  
ASTT. REGISTRAR-cum-PS

(POOJA SHARMA)  
COURT MASTER (NSH)