

HONOURABLE SRI JUSTICE D.V.S.S. SOMAYAJULU

SECOND APPEAL NO: 1 3 5 5 OF 2017

J U D G M E N T :

Heard the learned counsel for the appellant and the learned counsel for the respondents. This case is heard with Second Appeal No.1350 of 2017.

2. In this case also learned counsel also points out that the documents which are not marked are considered in Para No. 15 of the impugned order which is a verbatim reproduction of the order in S.A.No. 1350 of 2017 and points out even the corrections that are made are identical, as the errors that were made are identical. Therefore, the learned counsel submits that along with S.A.No. 1350 of 2017, this second appeal has to be remitted to the first appellate court for fresh disposal according to law. There is sufficient force in this submission.

3. The learned counsel for the appellant also raises a point on limitation, which also needs to be considered by the court below.

4. This order is passed in the presence of both the counsel remitting the matter to the first appellate Court. The first appellate court is directed to dispose of the matter at an early date preferably within a period of three months from the date of

receipt of a copy of the judgment. Both the additional evidence matter and the question of limitation have to be decided.

5. With the above direction, the second appeal is allowed and remanded to the first appellate court. No costs.

6. As a sequel, miscellaneous applications if any, shall stand closed.

JUSTICE D.V. S. S. SOMAYAJULU



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[R E S U L T : A L L O W E D & R E M A N D E D]



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