

**IN THE SUPREME COURT OF INDIA
CIVIL APPELLATE JURISDICTION**

**CIVIL APPEAL NO.13338 OF 2015
(Arising out of SLP(C)No.541 of 2015)**

HARI NARAYAN BANSAL

... APPELLANT(S)

VS.

**DADA DEV MANDIR PRABANDHAK SABHA
(BARAH GAON) PALAM**

... RESPONDENT(S)

WITH

C.A.NO.13339 OF 2015 @ SLP(C)No.540 of 2015,

C.A.NO.13340 OF 2015 @ SLP(C)No.655 of 2015,

C.A.NO.13341 OF 2015 @ SLP(C)No.714 of 2015,

C.A.NO.13342 OF 2015 @ SLP(C)No.737 of 2015,

C.A.NO.13343 OF 2015 @ SLP(C)No.814 of 2015.

J U D G M E N T

JUDGMENT

ANIL R. DAVE, J.

1. Leave granted.
2. Heard the learned counsel.
3. The main submission which has been advanced by the learned counsel appearing for the appellants is that the second appeal was dismissed by the High Court without

framing any substantial question of law.

4. In our opinion, a substantial question of law is not required to be framed if the High Court decides to dismiss the second appeal at an admission stage. Only in a case where the second appeal is admitted or is decided finally by allowing the same, a substantial question of law is required to be framed by the High Court.

5. In the instant case, no substantial question of law was involved in the second appeal and therefore, the High Court had rightly dismissed the second appeal at the admission stage by passing the impugned order. We, therefore, see no reason to entertain this Petition.

6. A request has been made by the learned senior counsel appearing on behalf of the appellants that the appellants are tenants and doing their bussiness in the shops in question for the last 35 years and therefore, some time may be granted to them for vacating the shops.

7. Looking at the afore-stated facts, we direct that the appellants shall not be evicted till 31st December, 2016, on filing of usual undertakings by them within four weeks from today.

8. In the meantime, by way of mesne profit the appellants shall continue to pay Rs. 1,500/- (Rupees One Thousand Five Hundred only) every month to the respondent. The amount deposited by the appellants with this Court shall be paid to the respondent by way of account payee

cheque and the cheque shall be handed over to the learned counsel for the respondent. The said amount shall be treated as costs.

9. *The appeal is disposed of as dismissed with the above directions. Pending application, if any, stands disposed of.*

.....J.
[ANIL R. DAVE]

.....J.
[S.A. BOBDE]

New Delhi;
3rd November, 2015.



JUDGMENT