

**IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH**

RSA No. 1013 of 2014 (O&M)

Date of decision : 21.7.2015

Paramjit Singh and another

... Appellants

versus

Paramjit Singh and others

... Respondents

Coram: Hon'ble Mr. Justice Rajesh Bindal

Present: Mr. Bhag Singh, Advocate, for the appellants.

Rajesh Bindal, J.

The LR's of plaintiff- Charan Singh are before this Court against concurrent findings of fact recorded by both the Courts below whereby the suit filed by the plaintiff for possession as owner by way of pre-emption, was dismissed.

The claim for pre-emption was made alleging that the plaintiff was the tenant as *gair marusi* on the part of the land for the last 40 years and being a tenant, he had a preferential right to purchase the same. The sale of land, which is sought to be pre-empted, was made vide sale-deed dated 11.6.2004. Vide jamabandi for the year 2000-2001, which had come on record as Ex.P6, it is established that the plaintiff had become the co-sharer to the extent of 1/4th in the land in dispute and he being a co-sharer is not entitled to claim pre-emption as every co-sharer is deemed to be in possession on behalf of other co-sharer. It could not be disputed that the co-sharer is not entitled to claim pre-emption.

For the reasons mentioned above, there is no illegality in the judgments of the learned Courts below. No substantial question of law arises. The appeal is accordingly dismissed.

21.7.2015

vs

(Rajesh Bindal)

Judge