

IN THE HIGH COURT OF PUNJAB AND HARYANA  
AT CHANDIGARH

CR No. 2084 of 2017 (O/M)  
Date of decision : 19.1.2018

Mohammad Ikram and others ..... Petitioners

Versus

Salim Ahmad and others ..... Respondents

CORAM : HON'BLE MR. JUSTICE KULDIP SINGH

Present:- Mr. R.S. Mamli, Advocate, for petitioners.

Mr. Royal Khan, Advocate, for,

Mr. Shoaib Khan, Advocate, for respondents.

1. Whether the Reporters of local newspaper may be allowed to see the judgment ?

2. To be referred to the Reporter or not.

3. Whether the judgment should be reported in the digest ?

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KULDIP SINGH J. (ORAL)

Heard.

Impugned in present revision is the order dated 15.2.2017 (Annexure-P-2), passed by learned Additional District Judge, Yamuna Nagar at Jagadhri, vide which, while deciding the appeal against order dated 7.1.2017 (Annexure-P-1), passed by the learned Civil Judge (Junior Division), Sub Division Bilaspur, on an application filed under Order 39 Rules 1 and 2 of Civil Procedure Code, 1908, the same was partly allowed regarding khasra No. 15/280, regarding which pre-emption decree has been passed in favour of predecessor of defendants.

After going through the file, I am of the view that there was a pre-emption decree in favour of defendants. In the written statement, it was claimed the pre-emption money was deposited. The presumption decree has not been challenged, nor it was disclosed in the plaint. Therefore, even if it is assumed, as claimed, that plaintiffs were minor and they were not aware of the pre-emption decree, they could challenge it when it was disclosed in

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the written statement. In this way, there was a concealment of fact regarding khasra No. 15/280 and in view of pre-emption decree, the injunction regarding said khasra number was rightly declined. There is no ground to interfere in the impugned order dated 15.2.2017 (Annexure-P-2), passed by the learned Additional District Judge, Yamuna Nagar at Jagadhri. Therefore, instant revision is dismissed. However, it is directed that observations made above are strictly for the purpose of disposal of application filed under Order 39 Rules 1 and 2 CPC, 1908, and shall not be taken into consideration, while deciding the main case.

(KULDIP SINGH)  
JUDGE

19.1.2018  
sjks

Whether speaking / reasoned : Yes

Whether Reportable : No