

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

RSA No.2996 of 1984 (O&M)

Date of decision : 23.01.2018

Inder Singh (since deceased) through his LRs and another

...Appellants

Versus

Baljit Singh (since deceased) through his LRs and another

...Respondents

CORAM: HON'BLE MR. JUSTICE ANIL KSHETARPAL

Present: Mr. P.P.S. Duggal, Advocate for the appellants.

Mr. M.L. Saggar, Sr. Advocate with
Ms. Armaan Saggar, Advocate for the respondents

Mr. H.S. Hooda, Sr. Advocate with
Mr. D.D. Gupta, Advocate

ANIL KSHETARPAL, J.

The defendants-appellants are in the Regular Second Appeal against the concurrent findings of fact arrived at by both the Courts below.

The plaintiffs had filed a suit for possession by way of pre-emption claiming the superior right of pre-emption being co-sharer. The plaintiffs sought to pre-empt the registered sale deed dated 28.01.1980.

The defendants contested the suit denying that the plaintiffs have any superior right of pre-emption. It was also claimed that defendant Nos.1 and 2 are co-sharer in the suit land and, therefore, there is no right of pre-emption.

Learned trial Court after appreciating the evidence available on

the file decreed the suit filed by the plaintiffs after returning a finding that the plaintiffs are co-sharer in the joint khewat.

The first appeal preferred by the defendants-Vendees was also dismissed after re-appreciation of the evidence available on the file.

I have heard the learned counsel for the parties at length and with their able assistance gone through the judgments passed by both the Courts below as well as the record.

Although, the learned counsel for the appellants has contended that the judgments passed by the Courts below are result of mis-reading of the evidence, however, learned counsel for the appellants when was called upon to point out any mis-reading or non-reading of the evidence by the Courts below, however, he could not point out any mis-reading or non-reading of the evidence.

In view thereof, there is no scope for interference with the concurrent findings of fact arrived at by both the Courts below.

Regular Second Appeal is dismissed.

All the pending miscellaneous applications, if any, are disposed of in terms of the aforesaid judgment.

23.01.2018

Pawan

**(ANIL KSHETARPAL)
JUDGE**

Whether speaking/reasoned:- Yes/No

Whether reportable:- Yes/No