

IN THE HIGH COURT FOR THE STATES OF PUNJAB AND
HARYANA AT CHANDIGARH

RSA No.1300 of 1992

Kanwal Singh

...Appellant

Versus

Attar Singh etc

....Respondents

Date of Order: 13.12.2018

CORAM: HON'BLE MR. JUSTICE AMIT RAWAL

Present: Mr. Surender Garg, Advocate for the appellant.

AMIT RAWAL, J (ORAL)

Present appeal is directed against the judgment and decree of reversal dated 22.1.1992 passed by learned Addl. District Judge, Sonapat whereby the appeal filed by the respondent-defendant against the judgment and decree dated 27.7.1991 passed by learned Sub Judge, IInd Class, Sonapat decreeing the suit of the plaintiff-appellant, has been set aside.

The plaintiff sought possession by way of pre-emption. Facts of the case are that defendant No.2 sold land measuring 24 kanal 03 marla out of Khewat No.78 and 116/111, Khata No.282, 131, Rect & Killa Nos.

<u>44</u>	<u>47</u>	<u>44</u>	<u>47</u>
18/1 18/2	2/1	18/3 25	3
0-8 4-8	2-0	3-4 7-7	6-16

land described in para no.1 of the plaint for a consideration of Rs.1,21,000/- vide a sale deed dated 24.6.1989 registered on 26.6.1989. It was alleged that the plaintiff vide sale deed dated June 1989 had purchased the same very Rectangle number from Hoshiar Singh and in view of that his

status was that of co-sharer. As per the law of pre-emption, co-owner could not sell property to third party without offering to other co-sharer.

Learned counsel for the appellant submitted that the trial Court rightly decreed the suit but the learned lower Appellate Court misread the contents of the same by which the plaintiff had acquired ownership of the same very rectangle number, which was subject matter of sale deed. There is gross illegality and perversity.

After hearing learned counsel for the appellant and perusing the paper book, I find no force and merit in the submission of learned counsel for the appellant, for, sale deed of the appellant as noticed is out of Rectangle number 40 whereas killa numbers 44 & 47 are subject matter of sale deed, thus the plaintiff could not have invoked the provisions of Section 15 of the Punjab Pre-emption Act.

No ground is made out to interfere.

Dismissed.

December 13, 2018
manoj

(AMIT RAWAL)
JUDGE

Whether speaking/reasoned: Yes/No
Whether Reportable : Yes/No