

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

423

**RSA No.491 of 1991 (O&M)
Date of decision: 09.03.2018**

Om Parkash

..... Appellant

Versus

Radhey Shyam

..... Respondent

CORAM: HON'BLE MR. JUSTICE ANIL KSHETARPAL

Present:- Mr. Sukant Gutpa, Advocate
for the appellant.

Mr. Ashok Kumar Verma, Advocate
for the respondent.

ANIL KSHETARPAL, J. (ORAL)

Learned counsel for the appellant has pleaded no instructions.

Plaintiff-appellant is in regular second appeal against the concurrent finding of fact arrived at by the Courts below.

The plaintiff claims superior right of pre-emption on the basis of being co-sharer in the property. Both the Courts have held that after the issuance of notification dated 08.10.1985, the right of pre-emption ceased to exist as the land in dispute came in the municipal area. The notification dated 08.10.1985 has been discussed in detail by the learned Courts below.

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

Appeal is dismissed.

09.03.2018
Dinesh Bansal

**(ANIL KSHETARPAL)
JUDGE**

Whether speaking/reasoned

Yes / No

Whether Reportable

Yes / No