

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

101

Date of decision: 13.12.2018

1. RSA No.308 of 2000 (O&M)

Krishan Chand

..... Appellant

Versus

Pawan Kumar and others

..... Respondents

2. RSA No.309 of 2000 (O&M)

Krishan Chand

..... Appellant

Versus

Dharam Singh and another

..... Respondents

CORAM: HON'BLE MR. JUSTICE ANIL KSHETARPAL

Present:- Mr. R.K. Dogra, Advocate
for the appellant (in both appeals).

Mr. Ashok Kumar Khubber, Advocate
for the respondents.

ANIL KSHETARPAL, J. (ORAL)

CM-542-C-2000 in RSA-308-2000
CM-543-C-2000 in RSA-309-2000

Both the applications are allowed and the delay in re-filing the
appeals are condoned.

Main Cases

Vide this judgment, I shall be disposing of two regular second
appeals bearing RSA No.308 of 2000 and RSA No.309 of 2000 in which
the issue which needs determination is common and the counsel appearing

for the parties are also common.

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

Plaintiff had filed a suit for possession by way of pre-emption claiming superior right of pre-emption as a tenant under the provisions of Punjab Pre-emption Act, 1913. Both the Courts on appreciation of evidence have found that the suit was filed after more than one year of the execution of the registered sale deed and therefore, the suit was time barred.

Learned counsel for the appellant while referring to Section 30 of the Punjab Pre-emption Act, 1913 has tried to convince this Court that the limitation would begin to run from the date the mutation of the sale was entered by the revenue authorities.

This Court has considered the submission and in fact while deciding RSA No.833 of 2017 titled 'Sagar and others Vs. Ridhi Sidhi Alloys Pvt. Ltd. and another', decided on 14.09.2017, considering various relevant provisions of Punjab Pre-emption Act, 1913, Indian Limitation Act, 1908 as well as Limitation Act, 1963, this Court has held that the limitation would begin to run from the date of registration of the sale deed and not from the date when the mutation is entered.

For the detailed reasons recorded in RSA No.833 of 2017 decided on 14.09.2017, both the appeals are dismissed.

13.12.2018
Dinesh Bansal

(ANIL KSHETARPAL)
JUDGE

Whether speaking/reasoned

Yes / No

Whether Reportable

Yes / No