

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

**RSA No.3036 of 2013 (O&M)
Date of Order:17.07.2018**

Chuni Lal

..Appellant

Versus

Surinder Pal and others

..Respondents

CORAM: HON'BLE MR. JUSTICE ANIL KSHETARPAL

Present: Deepak Sharma, Advocate,
for the appellant.

Mr. Mayank Sharma, Advocate
for respondent no.1.

ANIL KSHETARPAL, J(Oral)

Plaintiff-appellant is in the regular second appeal against the concurrent findings of fact arrived at by the courts below, while dismissing the suit for possession by way of pre-emption on the ground that the plaintiff has a superior right of pre-emption being tenant.

Both the courts after examination of the evidence have found that owners/vendors namely Ram Piari etc. were daughters of Baisakhi Ram son of Ladha Ram, whereas tenant claimed on the land is Sardari Lal son of Ladha Ram. In other words, the vendors who were owners were niece of Sardari Lal. Still further courts have found that tenancy has not been proved by the plaintiff. No document has been produced to prove payment of the lease amount. It is well settled that the plaintiff has to stand on his own legs. Right of pre-emption results in divesting of title from the vendee.

Such right has to be established beyond reasonable doubt. In the present

case, the case set up by the plaintiff has been examined by the courts but found no substance therein.

Although, learned counsel for the appellant while referring to jamabandi for the year 1995-96 has submitted that in the rent column, entry is regarding payment of $\frac{1}{2}$ of the crop, however, such entry is not supported by any substantive evidence to prove that fact. In the written statement, defendants have taken a stand that father of the plaintiff, namely, Sardari Lal remained in possession during his life time but he handed over the possession of the land to the vendors as he had become old.

Taking into consideration the close relationship between the vendors and the plaintiff, this court does not find any good ground to interfere with the concurrent findings of fact.

The regular second appeal is dismissed.

July 17, 2018
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(ANIL KSHETARPAL)
JUDGE

Whether speaking/reasoned	: Yes/No
Whether reportable	: Yes/No