

**RA-RS No.79-C of 2018 in
RSA No.941 of 1991**

Chawli Devi

vs.

Inder Paul and others

Present : Mr. Ashwani Kumar Chopra, Sr. Advocate assisted by
Mr. Aashutosh Jerath, Advocate
for the applicant/appellant.

Mr. Ashok Verma, Advocate
for the non-applicants/respondents.

Attention of the Court is drawn to the observation made in the earlier Order dated 14th May, 2018 passed by the concerned Bench to the effect, “*the factum of co-sharer was not denied by the appellants-defendants. In such circumstances, the lower appellate Court had no other option except to decree suit*”.

On the other hand, the Ld. Trial Court in Para No.3 of its Judgment had noted that according to the defendants, “*the plaintiffs are neither the cosharer in the suit land nor they can claim their rights of preemption on the basis of relationship as a preemption suit.....*”. In addition, the same contentions were also noted by the Ld. Lower Appellate Court in Para No.3 of its impugned Judgment.

In such circumstances, it is certainly a case of an apparent mistake on the face of the record and, therefore, reconsideration of the matter is called for.

The Review Application is, therefore, allowed after recalling the earlier order passed by the Co-ordinate Bench of this Court on 14th May, 2018.

Let the main appeal now come up for hearing on 28th April, 2020.

December 18, 2019
Dpr

(SUDIP AHLUWALIA)
JUDGE