

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

RSA-66-2018(O&M)

Date of decision: 27.01.2020

Gurdev Singh

.....Appellant

Versus

Smt. Jal Kaur and others

.....Respondents

CORAM: HON'BLE MR. JUSTICE ANIL KSHETARPAL

Present:- Mr.P.K.Ganga, Advocate for the appellant

ANIL KSHETARPAL, J. (ORAL)

The defendant-appellant is in Regular Second Appeal against concurrent findings of fact arrived at by the Courts below while decreeing the suit for possession by way of pre-emption on the ground that the plaintiffs have a preferential right to pre-empt the sale deed executed and registered in favour of the defendant. Plaintiffs had filed this suit claiming that previously their predecessor in interest was cultivating the land as tenant on payment of 1/3rd share of the crop. Revenue record, records that the petitioner is Gair Marusi tenant, whereas in column of rent, it is entered as tenant because of payment of 1/3rd “batai” (1/3rd share in the agricultural produce). Both the Courts after examining revenue records as well as sale deed Ex. DW4A produced by the defendants, have held that Dhanna Singh is proved to be tenant in occupation of the land in dispute, hence, entitled to decree for possession by way of pre-emption, having a preferential right under the Punjab Pre-

emption Act, 1913, as applicable to State of Haryana.

In view, thereof, no ground to interfere is made out.

Hence, dismissed.

27.01.2020	(ANIL KSHETARPAL)
rekha	JUDGE
Whether speaking/reasoned	Yes / No
Whether Reportable	Yes / No