

2024:PHHC:004479

101-1 IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

1.RSA-1239-1994 (O&M)

Sube Singh and others

....Appellants

Versus

Hawa Singh

..Respondent

2.RSA-1437-1994 (O&M)

Hawa Singh

....Appellant

Versus

Sube Singh and others

..Respondents

3.RSA-2135-1994 (O&M)

Hawa Singh

....Appellant

Versus

Sube Singh and others

..Respondents

4.RSA-1241-1994 (O&M)

Sube Singh and others

....Appellants

Versus

Hawa Singh

..Respondent

Date of decision: 12.01.2024

CORAM: HON'BLE MR. JUSTICE ANIL KSHETARPAL

Present:- Mr. Pawan Bansal, Advocate for the appellants
in RSA-1239-1994 and RSA-1241-1994 and

for the respondents in RSA-1437-1994 and
RSA-2135-1994

Mr. Mani Ram Verma, Advocate for the respondent
in RSA-1239-1994 and RSA-1241-1994 and
for the appellant in RSA-1437-1994 and
RSA-2135-1994

ANIL KSHETARPAL, J (Oral)

1. By this order, a batch of four connected Regular
Second Appeals i.e RSA-1239, 1437, 2135 and 1241 of 1994 shall
stand disposed of.

2. These appeals have come up for final disposal after a
period of 30 years. Two suits were filed for the grant of decree of
pre-emption in order to pre-empt the sale deed executed by
defendant no.5 on the ground that the plaintiffs have a superior right
in accordance with Section 15 of the Punjab Pre-emption Act, 1913.
Both the courts decreed the suit, however, the First Appellate Court
granted Rs.5,000/- for the improvement carried out by the vendee.
While issuing the notice of motion on 07.02.1995, the following
order was passed:-

*“Notice of motion for 28.3.1995 on
the question of compensation for improvement
only.”*

3. Learned counsel representing the parties are ad idem
that the only surviving issue is with regard to the quantum of
compensation for the improvement carried out by the vendees.
Learned counsel representing the vendees claim that the vendees

have claimed Rs.10,000/- whereas the First Appellate Court has awarded Rs.5,000/-.

4. Learned counsel representing the respondent submits that there is no evidence to prove that the vendees carried out any development worth Rs.5,000/-.

5. Be that as it may be. The total dispute involved in the present cases is at the most Rs.5,000/-. The First Appellate Court has recorded a finding of fact on appreciation of evidence, which is not proved to be a result of misreading or non-reading of any material evidence.

6. Keeping in view the aforesaid facts, no ground to interfere is made out.

7. Hence, dismissed.

8. All the pending miscellaneous applications, if any, are also disposed of.

12.01.2024

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Whether speaking/reasoned : Yes/No

Whether reportable : Yes/No

(ANIL KSHETARPAL)

JUDGE