



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

(118)

RSA-2823-2025 (O&M)
Date of Decision:-**26.02.2026**

Kishanti and Another

... Appellants

Versus

Partap Singh @ Pritam Singh and Others

... Respondents

CORAM: HON'BLE MR. JUSTICE VIRINDER AGGARWAL

Present:- Mr. Mohit Kakkar, Advocate
for the appellants.

VIRINDER AGGARWAL, J. (Oral)

1. The present Regular Second Appeal (hereinafter referred to as the “RSA”) has been instituted to assail the judgment and decree dated 12.05.2025 rendered by the learned District Judge, Sonipat, whereby the appeal preferred by the plaintiff was allowed and, upon setting aside the judgment and decree passed by the learned Civil Judge, the suit of the plaintiff came to be decreed.

2. In brief, the respondent–plaintiffs instituted a suit for pre-emption asserting their preferential right to pre-empt Sale Deed Nos. 3303 and 3304, both dated 20.02.2014, pertaining to land measuring 10 Kanals 10 Marlas sold in favour of defendants No.1 and 2. The claim was founded on the plea that the respondents–plaintiffs were tenants in respect of the suit land and, by virtue thereof, possessed a superior right of pre-emption.



3. The suit was contested by defendants No.1 and 2, who denied the plaintiffs' status as tenants. Upon trial, the learned Civil Judge dismissed the suit, holding that the plaintiffs had failed to deposit one-fifth of the pre-emption money at the time of institution of the suit.

4. Aggrieved thereby, the plaintiffs preferred a first appeal along with an application under Order XLI Rule 27 of the Code of Civil Procedure, 1908 ("CPC" for short), seeking permission to adduce additional evidence. The learned District Judge, Sonipat, allowed both the appeal and the application, holding that although the total area conveyed under the impugned sale deeds measured 15 Kanals 3 Marlas, the plaintiffs sought pre-emption only to the extent of 10 Kanals 10 Marlas over which they were tenants. Consequently, it was concluded that the plaintiffs were required to deposit one-fifth of the proportionate sale consideration relating to the suit land alone, and not of the entire sale consideration. The deposit made by the plaintiffs was thus found to be in conformity with law, and their right of pre-emption was upheld.

5. Challenging the aforesaid judgment and decree, the present RSA has been filed by the defendants.

6. I have heard learned counsel for the appellants at length and have carefully perused the record.

7. The findings recorded by the learned District Judge are legally sound and borne out from the record. The interpretation placed upon the statutory requirement regarding deposit of upto one-fifth of the pre-emption money is correct, inasmuch as the obligation extends only to the proportionate consideration of the land sought to be pre-empted. The



respondents—plaintiffs having duly deposited one-fifth of the sale consideration corresponding to the land measuring 10 Kanals 10 Marlas in their tenancy, the decree granted in their favour calls for no interference. The appeal, being devoid of merit, stands **dismissed**.

8. Consequent upon the final adjudication of the principal matter, all pending miscellaneous applications, if any, shall also stand disposed of, no further or independent orders being warranted in that regard.

26.02.2026
Gaurav Sorot

(**VIRINDER AGGARWAL**)
JUDGE

Whether reasoned / speaking?	Yes / No
Whether reportable?	Yes / No