

Jagat Singh

Vs

Jai Dev

Civil Appeal No. 816 of 1968

(V.R.Krishna Iyer, A.C.Gupta JJ.)

24.09.1975

JUDGMENT

KRISHNA IYER, J. -

1. The point involved in this case is specifically covered by a decision rendered by this Court in *Amarjit Kaur v. Pritam Singh* (AIR 1974 SC 2068; 1974 (2) SCC 0363).
2. The action is one for pre-emption and the son of the vendor is the pre-emptor, who is the plaintiff in the trial Court and respondent before us. The vendee, defendant is the appellant before us. The right of pre-emption has now been taken away by Section 3 of the Punjab Pre-emption (Repeal) Act, 1973. This operates only within the territorial limits of the Punjab State. The result is that the lands covered by the sale deed, in so far as they lie within the State of Punjab, cannot be subjected to the right of pre-emption of the plaintiff. The decree, which he has secured in enforcement of such a pre-emption right, must fail and the suit, to the extent to which the lands lie within the State of Punjab, must be dismissed.
3. Both sides agree that so far as the lands which lie within the Haryana State - a part of the lands sold is within the Haryana State - will not be affected by the Punjab Pre-emption (Repeal) Act, 1973 and that the sale deed so far as that land is concerned, will not stand.
4. Thus, in so far as the lands in Punjab State are concerned, the sale deed is valid and the lands which lie within the Haryana State are concerned, the sale deed is bad. The result is that the decree granted in favour of the plaintiff/respondent by the High Court will, in so far as it relates to the Haryana lands, stand since the sale, as we have observed, to that extent is bad. The rest of the decree will not stand and is hereby set aside. The decree of the High Court will be modified in this manner. Parties will their own costs throughout.

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