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SLP(C)No. 1495-1496 OF 1998
ITEM No.201

Court No. 9

SECTION IVB
A/N MATTER

S U P R E M E C O U R T O F I N D I A
R E C O R D O F P R O C E E D I N G S

Petition(s) for Special Leave to Appeal (Civil) No.1495-1496/1998

(From the judgement and order dated 03/07/1997 in RSA Nos. 2971
& 2972 of 1979 of The HIGH COURT OF PUNJAB & HARYANA AT CHANDIGARH)

AJMER SINGH & ANR.

Petitioner (s)

VERSUS

ARJUN SINGH & ANR.

Respondent (s)

(With Appln(s). for deletion of the name of respondent)
(For Final Disposal)

WITH

SLP (C) No. 21981 of 1997
(With appln. for stay and exemption from filing O.T. and office
report)
(For Final Disposal)

Date : 14/08/2003 These Petitions were called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE S.N. VARIAVA
HON'BLE MR. JUSTICE H.K. SEMA

For Petitioner (s)Mr. Gian Singh, adv.
in SLP 1495-96/98 Mr. B.S.Mor, Adv.
Mr. S.M.Hooda, Adv.
Mr. Mahinder Singh Dahiya,Adv.

In SLP 21981/97Mr. Neeraj Kumar Jain, Adv.
Mr. Aditya Kumar Chaudhary, Adv.
Mr. Bharat Singh, Adv.
Mr. Sanjay Singh, Adv.
Mr. Dev Raj A.D., Adv.
Mr. Ugra Shankar Prasad, Adv.

For Respondent (s)Mr. Sunil Gupta, Sr.Adv.
Mr. Punit Dutt Tyagi,Adv.

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UPON hearing counsel the Court made the following
O R D E R

S.L.P.(C) No. 1495-1496 of 1998

I.A. Nos. 1-2 are allowed.

Leave granted.

The appeals are disposed of in terms of the signed order.

No order as to costs.

S.L.P. (C) No. 21981 of 1997

Issue fresh notice on unserved respondents.

Dasti service, in addition, is permitted.

Anita

(Jasbir Singh)
Court Master

(Signed order is placed on the file.)
IN THE SUPREME COURT OF INDIA
CIVIL APPELLATE JURISDICTION

CIVIL APPEAL NOS. 6405-6406 OF 2003
(@ SPECIAL LEAVE PETITION (CIVIL) NOS. 1495-1496 OF 1998)

Ajmer Singh & Anr.

... Appellant (s)

Versus

Arjun Singh & Anr.

... Respondent (s)

O R D E R

Leave granted.

The appellants had, in their suit, claimed a right of pre-emption. The suit came to be dismissed on various grounds. The appeal also came to be dismissed. The Second Appeal has been dismissed by the High Court only on the ground that by virtue of the amendment of the Punjab Pre-emption Act, 1913 (Applicable to the State of Haryana) vide Haryana Amendment Act No. 10 of 1995, the right of pre-emption had been taken away.

A Constitution Bench of this Court in the case of Shyam Sunder And Others vs. Ram Kumar And An other reported in (2001) 8 SCC 24 has held that the amendment operates only prospectively and that rights, which had arisen prior to that amendment, do not get affected.

In view of the Constitution Bench judgment, the view taken by the High Court, in the Second Appeal, cannot be sustained. Thus, the impugned judgment requires to be and is set aside. We remand the matters back to the High Court for disposal on merits.

Considering that the Second Appeal is of the year 1979, we request the High Court to dispose of the Second Appeal as expeditiously as possible, and in any event, within a period of six months from today. It is clarified that the parties will be at liberty to urge all contentions available to them in law before the High Court.

The Appeals are accordingly disposed of with no order as to costs.

.....J.

(S.N.Variava)

.....J.

(H.K.Sema)

New Delhi,
August 14, 2003.