

SUPREME COURT OF PAKISTAN

(Appellate Jurisdiction)

Present:

JUSTICE AAMER FAROOQ

JUSTICE ALI BAQAR NAJAFI

C.P.L.A No.52-L/2020

*(Against order dated 04.11.2019 passed by the Lahore High Court,
Lahore in R.S.A No.55798 of 2017)*

Sajid-ur-Rehman

...Petitioner(s)

Versus

Ranma Ali Sher Khan

...Respondent(s)

For the Petitioner(s) : Syed M. Kaleem Ahmad Khurshed
ASC

For the Respondent(s) : N.R.

Date of Hearing : 23.04.2025

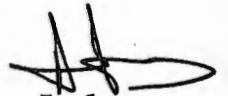
ORDER

ALI BAQAR NAJAFI, J.- Through this petition under Article 185(3) of the Constitution of Islamic Republic of Pakistan, 1973 ("**the Constitution**"), leave to appeal is sought against the impugned order whereby the suit for possession through pre-emption filed by the petitioner with the contention that respondent purchased the suit land through registered sale deed dated 03.06.2010 for consideration of Rs.30,00,000/- after receiving information on 24.06.2010 at 04:00 p.m. at his *Dera*, he immediately expressed his desire to pre-empt the sale in the presence of Bawra Anees, Muhammad Mansha and Anas Mehmood on the basis of being *Shafik Sharik, Shafi Khalit and Shafi Jar*. He filed suit, which was contested and the trial court decreed the suit on 21.02.2015 but the appellate court dismissed the suit on 07.07.2017.

2. The appellate court dismissed the appeal in *limine* on the ground that the petitioner could not prove the essential requisites of *Talbs*. The petitioner could not show his intention to exercise

his right of pre-emption at the time of signing of sending notice as held in "Mohammad Zahid Vs. Dr. Mohammad Ali" (PLD 2014 SC 488) and "Abdul Rehman V Haji Hazan" (2007 SCMR 1491), when the Talbs are not proved in accordance with the Punjab Pre-emption Act, 1991, the decree of pre-emption obviously could not be granted.

2. In view of above, no case for interference is made out, hence this petition is **dismissed**.


Judge


Judge

Lahore, the
23rd April, 2025
Adeel