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## MINISTRY OF HOME AFFAIRS

### NOTIFICATION

New Delhi, the 17th May 1963

**G.S.R. 861.**—In exercise of the powers conferred by section 2 of the Union Territories (Laws) Act, 1950 (30 of 1950) the Central Government hereby extends to the Union territory of Himachal Pradesh the Punjab Pre-emption (Amendment) Act, 1960 (Punjab Act 10 of 1960), as at present in force in the State of Punjab, subject to the following modifications namely:—

#### Modifications

In the said Act,—

(1) in section 2, for the words and figures "Punjab Pre-emption Act, 1913", the words and figures "Punjab Pre-emption Act, 1913, as extended to the Union territory of Himachal Pradesh" shall be substituted; and

(2) for section 6, the following section shall be substituted, namely:—

6. **Insertion of new section 31 in Punjab Act I of 1913.**—After section 30 of the Principal Act, the following new section shall be added, namely:—

"31. No court shall pass a decree in a suit for pre-emption whether instituted before or after the date of extension of the Punjab Pre-emption (Amendment) Act, 1960 as extended to the Union Territory of Himachal Pradesh to apply to all suits.	the Punjab Pre-emption (Amendment) Act, 1960 to the Union territory of Himachal Pradesh which is inconsistent with the provisions of the said Act."
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#### ANNEXURE

### THE PUNJAB PRE-EMPTION (AMENDMENT) ACT, 1960, AS EXTENDED TO THE UNION TERRITORY OF HIMACHAL PRADESH

PUNJAB ACT No. 10 OF 1960

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ACT

*to amend the Punjab Pre-emption Act, 1913.*

Be it enacted by the Legislature of the State of Punjab in the Eleventh Year of the Republic of India as follows:—

1. **Short title.**—This Act may be called the Punjab Pre-emption (Amendment) Act, 1960.

2. **Substitution of section 5 of Punjab Act 1 of 1913.**—For section 5 of the Punjab Pre-emption Act, 1913, as extended to the Union territory of Himachal Pradesh (hereinafter referred to as the Principal Act, the following shall be substituted, namely:—

"5. No right of pre-emption shall exist in respect of—

No right of pre-emption in certain cases.

(a) the sale of or foreclosure of a right to redeem—

(i) a shop, serai or katra;

(ii) a dharmshala, mosque or other similar building; or

(b) the sale of agricultural land being waste land reclaimed by the vendee.

**Explanation.**—For the purposes of this section the expression "waste land" means land recorded as *banjar* of any kind in revenue records and such *ghair mumkin* lands as are reclaimable."



3. Substitution of section 6 of Punjab Act 1 of 1913.—For section 6 of the Principal Act, the following section shall be substituted, namely:—

“6. A right of pre-emption shall exist in respect of village immovable property and, subject to the provisions of clause (b) of section 5 in respect of Agricultural land, but every such right shall be subject to all the provisions and limitations in this Act  
Exists in agricultural land and village immovable property.

contained.”

4. Substitution of sections 15 and 16 of Punjab Act I of 1913.—For sections 15 and 16 of the Principal Act the following sections shall be substituted, namely:—

“15 (1) The right of pre-emption in respect of agricultural land and village immovable property shall vest—

Persons in whom right of pre-emption vests in respect of sales of agricultural land and village immovable property.

(a) where the sale is by a sole owner,—

FIRST, in the son or daughter or son's son or daughter's son of the vendor;

SECONDLY, in the brother of brother's son of the vendor;

THIRDLY, in the father's brother or father's brother's son of the vendor;

FOURTHLY, in the tenant who holds under tenancy of the vendor the land or property sold or a part thereof;

(b) where the sale is of a share out of joint land or property and is not made by all the co-sharers jointly,—

FIRST, in the sons or daughters or sons' sons or daughters' sons of the vendor or vendors;

SECONDLY, in the brothers or brother's sons of the vendor or vendors;

THIRDLY, in the father's brothers or father's brother's sons of the vendor or vendors;

FOURTHLY, in the other co-sharers;

FIFTHLY, in the tenants who hold under tenancy of the vendor or vendors the land or property sold or a part thereof;

(c) where the sale is of land or property owned jointly and is made by all the co-sharers jointly:—

FIRST, in the sons or daughters or sons' sons or daughters' sons of the vendors;

SECONDLY, in the brothers or brother's sons of the vendors;

THIRDLY, in the father's brothers or father's brother's sons of the vendors;

FOURTHLY in the tenants who hold under tenancy of the vendors or any one of them the land or property sold or a part thereof.

(2) Notwithstanding anything contained in sub-section (1),—

(a) where the sale is by a female of land or property to which she has succeeded through her father or brother or the sale in respect of such land or property is by the son or daughter of such female after inheritance, the right of pre-emption shall vest,—

(i) if the sale is by such female, in her brother or brother's son;

(ii) if the sale is by the son or daughter of such female, in the mother's brothers or the mother's brother's sons of the vendor or vendors;

(b) where the sale is by a female of land or property to which she has succeeded through her husband, or through her son in case the son

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has inherited the land or property sold from his father, the right of pre-emption shall vest,—

FIRST, in the son or daughter of such female;

SECONDLY, in the husband's brother or husband's brother's son of such female.

16. The right of pre-emption in respect of urban immovable property shall vest in the tenant who holds under tenancy of the vendor the property sold or a part thereof.

Person in whom right of pre-emption vests in an urban immovable property.

5. Amendment of section 17 of Punjab Act I of 1913.—In section 17 of the Principal Act, clauses (c) and (d) shall be omitted.

6. Insertion of new section 31 in Punjab Act I of 1913.—After section 30 of the Principal Act, the following new section shall be added, namely:—

“31. No court shall pass a decree in a suit for pre-emption whether instituted before or after the date of extension of the Punjab Pre-emption (Amendment) Act, 1960 to the Union territory of Himachal Pradesh which is inconsistent with the provisions of the said Act.”

Punjab Pre-emption (Amendment) Act, 1960 as extended to the Union territory of Himachal Pradesh to apply to all suits.

[No. F. 4/4/62-Judl.II/UTL.60.]

P. N. KAUL, Dy. Secy.