

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

**CR No. 1159 of 2015 (O&M)  
Date of Decision: 12.05.2015.**

Virender Kumar Arya

.. Petitioner

versus

Radha Bai Sanghi

.. Respondent

**Coram: Hon'ble Mr. Justice Rajesh Bindal**

Present: Ms. Pratibha Yadav, Advocate for the petitioner.  
None for the respondent despite service.

Rajesh Bindal, J.

Challenge in the present petition is to the order dated 14.01.2015, vide which auction of the articles (medical books) lying in the shop in possession of the petitioner was ordered for recovery of the costs. The petitioner in the present case was tenant in the premises of the respondent-decree holder. In a petition for ejectment filed by the respondent-landlord, he was directed to be evicted from the said shop. The order of eviction was upheld in appeal. The possession of the shop had to be taken through Bailiff in execution. Material lying in the shop was taken in possession and handed over to the decree holder on superdari. For the recovery of ₹6,802/-, the same is being put to the auction. The stand of learned counsel for the petitioner is that on account of ill health, the petitioner could not appear before the Court and file reply and offer to pay the amount, for which the material lying in the shop is sought to be auctioned. He is ready and willing to pay the amount, which shall be deposited by him in the Court within two weeks. On deposit of the amount, the material taken into possession from the shop, from which the petitioner was evicted, shall be returned to him.

The impugned order passed by the learned Court below is modified to the extent mentioned above. The petition is disposed of.

12.05.2015  
Manoj Bhutani

(Rajesh Bindal)  
Judge