

220.

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

Civil Revision No.8324 of 2014 (O&M)

Date of decision:17.05.2016

Prem Chand Gupta

... Petitioner

versus

Sh.D.P. Chhabra and others

.... Respondents

CORAM: HON'BLE MR. JUSTICE K. KANNAN

Present: Ms. Ekta Thakur, Advocate,
for the petitioner.

1. Whether reporters of local papers may be allowed to see the judgment ? No.
2. To be referred to the reporters or not ? No.
3. Whether the judgment should be reported in the digest ?No.

K.Kannan, J. (Oral)

1. The petitioner has a grievance that the expenses for safe custody of the articles in the petitioner's possession have not been defrayed from out of sale proceeds of the articles retained by the petitioner. The petitioner was a third party-superdar and they were handed over by the bailiff at the time of delivery of property through court. The petitioner's status as a person to whom the goods were entrusted is brought out through the affidavit filed in court. The court was unjustified in dismissing the petition without a proper enquiry and allowing for evidence to be given by the petitioner to

explain the expenditure incurred to justify the claim for the money recovered through sale.

2. The impugned order is set aside and the matter is remitted to the Executing Court to allow the liberty to the petitioner to adduce such proof as it is essential for establishing his contention and to have the expenditure incurred recovered out of sale proceeds either in part or in full.

3. Civil revision is allowed on the above terms.

(K.KANNAN)
JUDGE

17.05.2016
sanjeev