

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

COCP-187-2023 (O&M)

Date of decision: 01.05.2023

M/s Brijwasi Cycle Store

....Petitioner

Versus

Shakti Singh and Others

....Respondents

CORAM: HON'BLE MR. JUSTICE ARVIND SINGH SANGWAN

Present: Mr. H.S. Jagdev, Advocate
for the petitioner.

Mr. Harsh Vardhan Shehrawat, AAG, Haryana.

Mr. Brijesh Sharma, Advocate
for respondents No.3 to 5.

ARVIND SINGH SANGWAN J. (Oral)

Reply by way of affidavit of respondent No.2, filed in the
Court is taken on record.

The petitioner alleges violation of the order dated
14.03.2022, passed by the Debts Recovery Tribunal-II, Chandigarh,
vide which it was directed that the possession be not disturbed till
further orders.

Counsel for the petitioner submits that despite the
aforementioned order, the Deputy Commissioner has issued a letter of
taking the possession and in pursuance thereof, the respondent
No.2/Tehsildar, Bahadurgarh, Haryana, has issued a show cause notice.

As per the compliance affidavit filed by respondent No.2, it
is stated that the stay order dated 14.03.2022 was not brought to the
notice of the deponent and therefore, notice was issued on 10.01.2023

and in the notice, it was mentioned that in case the petitioner is having a stay order, the same may be submitted. It is also stated that reasonable time was given and thereafter, notice was issued, however, in terms of the stay order, no possession has been disturbed.

Since respondent No.2 has acknowledged the stay order passed by the DRT-II, Chandigarh and the proceedings for taking possession have been dropped, no willful disobedience is made out.

Dismissed.

(ARVIND SINGH SANGWAN)
JUDGE

01.05.2023
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Whether speaking/reasoned:	Yes/No
Whether reportable:	Yes/No