**Deficiency Upon a Re-sale [Goods Sold at Auction]**

In the Court of ......................................

KK……………………………… resi…………………………………….………… ...................... Plaintiff

against

GM……………………………. Resi……………………………………………….…...................... Defendant

KK…………………………………………………….………., the above-named plaintiff, states as follows:-

1. On the ............. day of……………...... /……………..., the plaintiff put up at auction sundry [goods], subject to the condition that all goods not paid for and removed by the purchaser within [ten days] after the sale should be re-sold by auction on his account, of which condition the defendant had notice.

2. The defendant purchased [……………………………………] at the auction at the price of...................... rupees.

3. The plaintiff was ready and willing to deliver the goods to the defendant on the date of the sale and for [……………. days] after.

4. The defendant did not take away the goods purchased by him, nor pay for them within [……… days] after the sale, nor afterwards.

5. On the ...... day of ………...... /……………...., the plaintiff re-sold the [……………….], on account of the defendant, by public auction, for.................................... rupees.

6. The expenses attendant upon such re-sale amounted to ……………………..... rupees.

7. The defendant has not paid the deficiency thus arising, amounting to ………………….........rupees.

[i. Facts showing when the cause of action arose and that the Court has jurisdiction. ]

ii. The value of the subject-matter of the suit for the purpose of jurisdiction is ................rupees and for the purpose of court-fees is ...............................................rupees., and Relief claimed.]

Dated :

Plaintiff

Through, Advocate

**Verification:**

I, \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_, do hereby verify that the contents from paras 1 to \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ are correct and true to the best of my knowledge and personal belief and no part of it is false and nothing material has been concealed therein.

Affirmed at KALYAN this \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_.

Plaintiff