

IN THE COURT OF MR. MALIK PEER MUHAMMAD,
DISTRICT & SESSIONS JUDGE /PRESIDING OFFICER, DISTRICT
CONSUMER COURT, SIALKOT/NAROWAL.

Case No.52 /2009

Date of Institution: 18-05-2009.

Date of Decision: 20-01-2010.

*Rana Habib-Ullah S/O Niaz Muhammad R/O Talharra Tehsil Daska
District Sialkot. (Consumer/subscriber/Complainant)*

Versus

*1. Mian Traders and Commission Shop R/O Wadal Road Dhamoke
Darveish Tehsil Daska District Sialkot (through Proprietor Abdul
Shakoor). (Service Provider/Respondent)*

ORDER.

According to precise facts of this complaint, complainant is a cultivator and depends upon cultivation. He sows crops including wheat and paddy. Respondent is a commission agent who provides his services to the farmers for to sale there paddy crops. In the year of 2005, complainant sold paddy crop weight 166½ monds consisted upon 102 sacks. Total amount of the crop was accumulated Rs.83,812/-, which was payable to the complainant by the respondent. (Contd....2)

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Rs.8,000/-was paid, out of the above said amount and rest of the amount is yet payable by the respondent. Complainant time and again

visited the shop of respondent for the payment of rest amount but he procrastinated the matter from one pretext to another and ultimately he refused to pay the rest amount. Complainant received defective service on the part of the respondent therefore Rs.76,128/- for price and Rs.1,500,000/- as for mental torture be awarded to him. Prior to filing of this complaint complainant launched one legal notice to the respondent on 25-04-2009 which is accepted by the respondent. This complaint be accepted with cost. Respondent were summoned through the notices for to defend this complaint. On 23-07-2009 respondent put up his appearance before the court through Ch. M.S Shahid Warraich adv. who submitted his power of attorney on behalf of respondent.

On the following date of hearing respondent submitted his written reply upon which this complaint was adjourned for complainant evidence and both the parties were directed by this court to furnish the list of witnesses within seven days. On 08-10-2009 AWs evidence of **(Contd....3)**

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the complainant was present but respondent did not turned up into the court as for cross examination over the AWs. After awaiting a long till the closing hours of this court, respondent were proceeded ex-part on 08-10-2009.

Complainant has got record statement of AW1 Rana Habib-Ullah and statement of the AW2 Abdul Salam on documentary

side he produced the receipt of Mian Traders as Ex-AW1/1, copy of the legal notices Ex-AW1/2, reply of the legal notice Ex-AW1/3, postal receipt Ex-AW1/4 and closed the documentary evidence.

Ex-part arguments heard.

Record perused.

Rana Habib Ullah complainant put up his appearance as AW1 in his examination chief he deposed that he sold 166 ½ modns paddy to the respondent. He paid only Rs.8,000/- from the amount of Rs.83,812/- and the rest of amount Rs.76,128/- is still payable by the respondent. In order to corroborate his statement he produced Abdul Salam AW2. He supported to the statement of AW1 and deposed that total amount **(Contd....4)**

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for the price of the paddy crop was Rs.83,812/-, respondent only paid Rs.8,000/- to the complainant. Further more complainant has produced a receipt for the payment of Rs.83,812/- which is issued by the respondent Mian Traders. Complainant prior to the institution of this complaint dispatched a legal notice which is Ex-AW1/2, reply of the respondent as Ex-AW1/3. In the reply of the notice respondent advises for the sale of the paddy crops, there is nothing on file any rebuttal against the statements of AW1/2. The statement of the both AWs are corroborative which supports to the contents of the complaint. Further more complainant specifically deposed in his statement that he falls under the definition of the consumer. No doubt

according to the ex-part evidence of the complainant, services of respondent remained defective hence, complaint is allowed and respondent is directed to pay the complainant rest of the amount Rs.76,128/- so for the arguments that he is entitled of Rs.1,500,000/- in this regard complainant did not produce any evidence or deposed that why he be awarded the amount Rs.1,500,000/- hence, for the claim of this amount Rs.1,500,000/- ex-part arguments of the complainant could not touch to my sense of (Contd....5)

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appreciation, therefore it is declined rest of the complaint is accepted with cost. DCO, Sialkot is directed to implement this order, as land revenue. Ahlmad of this court is directed to forward one copy of this order to the DCO, Sialkot for accelerate implementation. File be consigned to the record room after its compilation.

Announced:
20-01-2010.

Presiding Officer,
District Consumer Court
Sialkot/Narowal.

CERTIFICATE

Certified that this order contains five pages and each of pages is dictated, corrected and signed by me.

Announced:
20-01-2010.

Presiding Officer,
District Consumer Court
Sialkot/Narowal.