

**In the Court of Syed Maruf Ahmedali Presiding Officer/  
District & Sessions Judge District Consumer Court, Lahore**

**Authority District Coordination Officer(DCO) V/S Malik Tariq**

**Application under Section 28 of the Punjab Consumer Protection Act 2005.**

**Order:**

The Counsel for the Respondent has filed an application for dismissal of the Complaint being barred by time.

It is contended by the Learned Counsel for the Applicant / Respondent that the Complaint filed by the Authority (DCO) is barred by time and secondly no Notice under Section 28 of Punjab Consumer Protection Act 2005 was issued to the applicant, therefore this complaint is liable to be dismissed.

The D.D.P.P has opposed the contentions of the Learned Counsel for the Respondent.

After hearing the arguments of both the Learned Counsel for the parties and perusing the record, admittedly notice by the complainant was issued to Respondent No. 1 on 19-05-2007. At the time of filing of complaint, the applicant was not a party. The applicant was made a party in the complaint on 21-07-2007, therefore second Notice was not necessary.

The other objection is of limitation taken by the applicant. According to the Applicant the last date of limitation for filing of this complaint was 11-06-2007, as the cause of action had accrued to the complainant was on 12-5-2007 i.e a Complaint is to be filed within 30 days of the cause of action, U/S 28 (4) of the Act.

As far as the objection of Limitation is concerned, there is a proviso given in Section 28 (4) of the Act which says: “that the Consumer Court may allow a claim to be filed after 30 days within such time as it may allow if it is satisfied that there was sufficient cause for not filing the complaint within the specified period”.

Both these objection raised by the applicant / Respondent are mixed question of Law and fact, which can only be decided after recording the evidence of the parties.

In view of the aforesaid reasons, this application is dismissed.

**Announced  
29-09-2007**

**Presiding Officer  
District Consumer Court  
Lahore**

