

IN THE COURT OF SOHAIL NASIR DISTRICT AND SESSIONS
JUDGE/JUEGE CONSUMER COURT,

RAWALPINDI

(Case No. 71 of 13.09.2012)

Syed Asif Ali Shah **Vs.** *President Standard Chartered Bank & another*

Present: *Claimant in person.*
 Malik Sadiq Awan Advocate for defendants.

ORDER

01. *Today, the case was fixed for recording of evidence of Claimant but learned counsel for defendants while referring preliminary objection no (a) of written reply is of the view that as claim is hopelessly time barred so this objection be decided in first instance.*

02. *Standard Chartered Bank/defendants under a contract in the year 2006 had provided the services of a 'Swipe Machine' to M/S Tehzeeb Enterprises/Claimant at his point of sale (POS). Undisputedly, in August 2008 said services were withheld by defendants and 'Swipe Machine' was taken away from Claimant. Therefore claim in hand was filed by Claimant on 13.09.2012 seeking various kinds of reliefs.*

03. *Learned counsel for defendants contends that Claimant was under obligation to file his claim within thirty days from the date when cause of action had accrued to him whereas he approached this Court after about four years. He also maintains that even if extension in time for filing of claim is granted by this Court, for that maximum period is sixty days hence claim shall remain time barred in any case.*

04. *On the other hand Claimant asserts that he was made a shuttlecock by defendants as he was asked to move here and there and when he could not get relief even by approaching the Banking Ombudsman Pakistan, he came to this Court for ultimate relief as he is a consumer and defendants are 'Service Provider' within the meaning of the Act,.*

05. *Arguments heard.*

06. *Admittedly 'Swipe Machine' was closed and taken away by defendants in August 2008 which means that cause of action had accrued to Claimant then and there. For the sake of arguments if it is believed that he was made a shuttlecock even than final cause of action which he got that was at a point of time when he approached Banking Ombudsman Pakistan from where he could not get favourable decision as evident from*

copy of order dated 04.08.2011 which has been provided by defendants. It means that immediately after August 2011, Claimant should have come to Consumer Court within thirty days. Reason known best to Claimant that he kept on waiting and after more than one year he opened his eyes for approaching this Court.

07. Under section 28 (4) of the Punjab Consumer Protection Act, 2005 a claim by consumer shall be filed within thirty days of the arising of the cause of action. Under same provision the Court has a power for extension for filing the claim after the expiry of aforesaid limitation but in that eventually maximum sixty days' time can be granted to Claimant. No application for extension has been submitted by Claimant. Even if I of my own, which of course I cannot do without an application, grant extension even then the claim is desperately time barred.

08. In view of above no useful purpose shall be served to record the evidence; hence this claim is dismissed being time barred. However, this order shall not affect any other legal right of Claimant for approaching any other Court of law for filing a suit for recovery against defendants. File shall be consigned to the record room after its due completion.

Announced
02.10.2012

(Sohail Nasir)
District & Session Judge
Judge Consumer Court
Rawalpindi

Certified that this order consists of two pages. Each page has been dictated, read, corrected and signed by me.

(Judge Consumer Court)
Rawalpindi