

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

Case No. 46/2008

Date of Institution: 09-05-2008.

Date of Decision: 27-06-2008.

*Muhammad Ali S/O Fazal Ahmad, Gujjar by caste R/O
Gujjar Town, Sialkot. (Consumer-Complainant)*

Versus.

*City Style/City Point 1st floor Khawaja Shopping centre,
Railway Road, Sialkot, through proprietor.
(Service Provider-Respondent)*

ORDER:

The above noted complaint, brought under Sec. 25 of PCP Act, 2005, was launched at the instance of consumer-complainant Muhammad Ali against respondent city style/city point, 1st floor, Khawaja Shopping Centre, Railway road, Sialkot, through its proprietor for the claim of return of suiting cloth (Imported) or value thereof, compensation in sum of Rs. 20,000/-, costs and legal expenses, while alleging that, consumer-complainant handed over suiting cloth (Pent Coat), in black colour, to respondent-tailoring shop for sewing /stitching during the month of November, 2007, vide receipt (Ex-Aw4/A) whereupon the respondent promised to stitch the suit within four days and asked the consumer-complainant to collect suit on the target day, whereas, the stitching wages were fixed, in sum of Rs. 1,100/-. As per pleadings on trial of the two piece-suits at the shop of respondent, it came into consumer-complainant knowledge that the stitched suit was smaller to his routine wearing/measurement taken by the respondent-service provider and on consumer's

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Complaint, the respondent promised to set it right within couple of days whereafter the complainant-consumer had been visiting/ revisiting respondent's shop but without any success, even, at last the respondent refused to return suit clothing or value thereof or compensation.

Consumer-complainant had duly served a postal registered notice (Ex-A.w.3/A), vide postal receipt (Ex-A.w.2/A) but without any response, hence, this complaint.

2. The respondent was given notice to appear before the Court, for his defence but despite his personal service as well as through telephone, failed to enter into appearance nor submitted any reply to the allegations. Consequently vide order dated 24-05-2008 respondent was proceeded against ex-parte.

3. The ex-parte evidence of the consumer-complainant was invited.

4. The Consumer-complainant appeared as (A.W.4) who fully supported his case and examined postman (Ex-A.w.1), Registry Clerk, GPO (A.w.2) and Mr. Naveed Ahmad Bhatti, Advocate (A.w.3) in support of his plea regarding transmission/delivery of requisite Postal Registered A.D notice (Ex-A.w.3/A) to the respondent. Thereafter the complainant side closed its evidence.

5. Arguments heard. Record also perused.

6. After having heard the arguments at the instance of complainant side and gone through the record, it is transparent that Consumer-complainant in the month of November, 2007 passed instructions to the respondent-tailoring shop through its proprietor for the stitching of his black colored pent coat-suit while delivering stitching cloth which was booked and fixed date of return/delivery,

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of the suit after four days but on delivery, it was found that suit was stitched in casual and defective manner in contrast with the measurements taken by respondent whereupon the tailor master took back the suit and asked him to re-stitch the same and refine his services. Despite passage of long period of more than four months the respondent failed to return/deliver the stitched suit and resultantly in the month of April, 2008 the respondent flatly refused to deliver the suit cloth or value thereof.

7. The consumer-complainant also supported his pleading through his affidavit sworn by him. He also served a legal notice (A.w. 4/A) but without any response, even, the respondent failed to put his

appearance before the court in order to rebut or controvert the allegations contained in the complaint of course, the allegations and claim of the complainant remained proved, substantiated, un-rebutted and un-controverted and it is, thus, established that suit (pent-coat) was stitched by the respondent in casual manner who failed to render his faultless and defectiveless services as are expected.

9. Undisputedly it is depicted from the record that complainant-consumer is an advocate by profession and generally a uniformed professionalist consumer-customer finds the services of good tailor, while getting his suiting stitched, particularly, a uniform but as discussed above it is crystal clear that the respondent failed to render his best services to the consumer-complainant, rather on account of his defective and faulty services not only consumer's costly (imported) cloth was damaged but complainant-consumer failed to put on his wearing during his professional duties due wrong action of respondent-service provider which apparently lowers the status of a

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professionalist before his clientage. It is proved without any iota of doubt that due to the wrong act of the respondent complainant-consumer was constrained to visit and revisit his shop again and again till April, 2008, which is awful picture of this case; hence, it can be safely and legally presumed that complainant-consumer has suffered not only mental torture but also acute agony and is entitled for compensation besides return of original cloth of the same complexion (Imported), costs and legal expenses.

9. The crux of the above discussion is that the allegations of the consumer-complainant are proved and established, hence, keeping in view the peculiar circumstance of this particular case the instant complaint is, hereby, allowed with costs in sum of Rs. 1,000/- (One Thousand) in the terms that respondent is directed to return the original imported suiting cloth, in black colour or value in sum of Rs. 3,200/- (Three Thousands & Two Hundreds only) thereof alongwith compensation in sum of Rs. 6,500/- (Six Thousands Five Hundreds) besides legal expenses in sum of Rs. 3,000/- (Three Thousands) to the consumer-complainant within twenty 20 (Twenty) days positively. File be consigned to the record room after its due compilation.

Announced:
27-06-2008.

Presiding Officer,
District Consumer Court
Sialkot/Narowal.

CERTIFICATE.

It is certified that the order contain four pages each of pages is dictated, corrected and signed by me.

Announced:
27-06-2008.

Presiding Officer,
District Consumer Court
Sialkot/Narowal.