

**IN THE COURT OF PERVEZ IQBAL SIPRA,
DISTRICT & SESSIONS JUDGE / PRESIDING OFFICER,
DISTRICT CONSUMER COURT,
FAISALABAD.**

Complaint No 91/2016
Date of institution 30.03.2016
Date of decision 14.10.2017.

Ahmad Waqas Bhalli S/o Ch. Shoukat Ali Bhalli R/o Chak No.340 JB
Tehsil Gojra, District Toba Tek Sing.

Versus

1. Manager Skyways Bus Service, Jhang.
2. Manager Skyways Bus service Lahore.

Claim u/s 25 the Punjab Consumers Protection Act, 2005.

ORDER:

Briefly, the facts of this complaint are that on 29.02.2016, the claimant hired the services of the defendants for traveling from Lahore to Nia Lahore. Previously, he traveled by the defendants' bus service from Lahore to Nia Lahore and they used to drop him at Adda Nia Lahore. On 29.02.2016, the bus diverted its route and reached Jhang via Gojra and he was not dropped at Nia Lahore. He was dropped at Jhang and then from Jhang to Nia Lahore, he traveled by another bus service whereby he suffered physical torture and mental agony. He would have to travel 92 kilometers more, for reaching at his destination. In the way, the defendants rendered faulty services, hence, the instant complaint.

2. The summons were issued to the defendants through the registered post. The acknowledgment receipt available on file shows that Suleman Sadiq received the post which contained summons but despite it, no one appeared before the court on behalf of the defendants and consequently, they were proceeded against ex-parte.

3. The ex-parte evidence of the claimant has been recorded.

4. Arguments heard, record perused.
5. The claimant entered into the witness box as PW1 and submitted his affidavit Ex-P1, whereby he reiterated the contents of the complaint and also produced the receipt / ticket issued by the Skyways as Ex-P2. In the complaint, nothing has been mentioned about calling upon the defendants by sending a written notice. If such a notice was given by the claimant, no date has been mentioned. In his affidavit, the claimant also has mentioned nothing about the notice u/s 28 (1) of the Punjab Consumers Protection Act, 2005. Without calling upon the defendants by given a written notice and by given a proof of delivery of such notice, the complaint may not be deemed entertainable. As the claimant has not mentioned in the complaint and in his affidavit about the notice u/s 28 (1) of the Punjab Consumers Protection Act, 2005 and no evidence in this respect has been got exhibited, the complaint may not be held entertainable. Although, the copy of notice is available on file, yet it may not be accepted a sufficient proof of fulfillment of the requirement of Section 28 (1) of the Punjab Consumers Protection Act, 2005. It was the obligation of the claimant to prove the delivery of notice to the defendants. In the circumstances, the complaint in hand is not entertainable and consequently is dismissed. After due completion, the file be consigned to the record room.

Announced
14.10.2017

(Pervez Iqbal Sipra)
District & Sessions Judge/
Presiding Officer,
District Consumer Court, Faisalabad
Camp Office, Jhang.

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

Dated
14.10.2017

Presiding Officer,
District Consumer Court, Faisalabad
Camp Office, Jhang..

Short order

Present:-

The learned counsel for the claimant.

ORDER

Arguments heard, record perused.

2. Vide order dated even passed in English separately, the complaint in hand is dismissed. After due completion, the file be consigned to the record room.

Announced
14.10.2017

(Pervez Iqbal Sipra)
District & Sessions Judge/
Presiding Officer,
District Consumer Court, Faisalabad
Camp Office, Jhang.