

**IN THE COURT OF MALIK KHIZAR HAYAT KHAN, DISTRICT &
SESSIONS JUDGE/PRESIDING OFFICER, DISTRICT
CONSUMER COURT, SARGODHA.**

Case No. 161/2017
Date of institution 15.11.2017
Date of Decision 08.02.2018

Ahmad Khan Gara son of Muhammad Yar,
Resident of Dera Muhammad Yar Khan Gara, Tehsil Kotmomin, District Sargodha.
(Claimant)

Versus

Sahibzada Ahmad Siddique
Al-Hafiz Traders Chanab Bazar Near Sem Nala Kotmomin, District Sargodha.
(Defendant)

EX-PARTE J U D G M E N T
08.02.2018.

Claimant Ahmad Khan Gara a cultivator by profession, has brought his instant claim against the defendant, stating that he purchased seed weighing three Kgs of Super Colonel paddy crop in lieu of Rs. 1500/- from the shop of the defendant Seed Dealer, for cultivation of the same in three acres, cultivated by him in his land for germination of Paddy crop. He further asserted that he used fertilizers and pesticide spray etc. for production of best quality of paddy crop and in this regard he expended Rs. 100000/- . He further asserted that after growth of the same, he visited the field where he became surprised to see that some part of crop was fully grown and ready for the harvesting but remaining was still in growing process. He also asserted that the seed sold by the defendant to the claimant was a mixture of different qualities which fact was fraudulently concealed by him, therefore, due to this act of the defendant, the claimant could not bear the expected yield of paddy crop @ 50 maund per acre which average production of the said crop in the said area. Rather he received only 15 mounds per acre and that of a low quality being a mixture of Super Colonel Basmati and other low quality of paddy namely 85/86.

2. That the claimant issued the requisite pre institution legal notice to the defendant on 25.10.2017, the attested copy of the same is Exh.P3 while its postal receipt is Exh.P3/1.

3. According to the averments of the instant petition, the claimant has categorically claimed the loss of Rs, 1500/- as price for the seed, Rs.100000/- for the expenses like fertilization, pesticide spray etc. along with irrigation charges. In addition to that he demanded Rs. 157500/- as damages for loss of low production of paddy crop assessed by him in the above stated manner. He also

ATTESTED
REGISTRAR
District Consumer Court
SARGODHA
02/02/18

SECTIONS OFFICER
DISTRICT CONSUMER COURT
SARGODHA

Ahmad Khan Gara. Vs. Sahibzada Ahmad Siddique.

claimed Rs. 25000/- as legal expenses and Rs. 17500/- as storage charges of paddy crop which could not be timely soled as there was no demand for such type a mixture of the commodities, as such his total claim is for the recovery of Rs. 301500/-.

4 The defendant was summoned but despite his personal service he did not choose to appear in this court thus he was proceeded against ex-parte vide order dated 23.01.2018.

5. In his ex-parte evidence the claimant himself appeared as Pw-1 with his affidavit Exh-P1, produced the legal notice Exh-P3 with postal receipt Exh-P3/1, visiting card of defendant Exh-P2, the sample of seed of paddy crop Exh-P4. He also examined his son Manazir Ali Advocate as Pw-2, who corroborated his assertions and proved the issuance of legal notice Exh-P3 by him, his affidavit in this regard is Exh.P5.

6. Today, ex-parte arguments heard and record perused.

7. Keeping in view the aforementioned ex-parte evidence of the claimant since without any rebuttal, it is observed that the claimant has proved the alleged transaction of the purchase of the seed of paddy crop in question from the defendant shop keeper alongwith the fact of defective quality of the same and non fulfillment of the alleged obligation on the part of the said defendant also for non issuance of sale receipt for the product in question, therefore, he is substantially liable for the alleged infringement of the valuable rights of the claimant/ consumer as mentioned above. However, the relief claimed is to some extent exaggerated, therefore, the same is hereby reassessed in the manner that yield per acre is assessed @ 40 maund, for three acres its total @ 120 maund with the average sale price of Super Colonel Basmati @ Rs. 1500/- for 40 Kgs, total price Rs. 180000/- minus price of ordinary commodity of paddy crop since borne by the claimant (45x1100=49500/-) balance (of the loss) Rs. 130500/- coupled with expenses for fertilization etc. @ Rs.100000/- plus Rs. 1500/- as price of the seed wrongly delivered by the defendant alongwith litigation charges @ Rs. 15000/- and storage charges Rs. 12000/- total recoverable claim Rs. 259000/-.

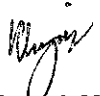
ATTESTED
REGISTRAR
District Consumer Court
SARGODHA

PROSECUTOR OFFICER
District Consumer Court
SARGODHA


Ahmad Khan Gara. Vs. Sahibzada Ahmad Siddique.

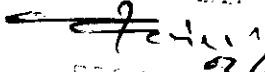
8. Thus, in the light of the above discussion, it is hereby held that the petitioner/claimant is entitled for the recovery of total amount Rs. 259000/- as compensation from the defendant. Hence the instant petition is accepted to that extent and the defendant is directed to pay the aforementioned decretal amount Rs.259000/- to the claimant/decreed holder. In case, the awarded amount is not paid/recovered otherwise, the claimant/decreed-holder may seek recovery of the same by way of filing an execution petition against the judgment debtor. File of the case be consigned to record room after its due compilation.

Announced
08.02.2018


Presiding Officer,
District Consumer Court,
Sargodha.

Certified that this Ex-parte Judgment consisted upon 03 pages, which have been dictated, corrected and signed by me.


Presiding Officer,
District Consumer Court,
Sargodha.

ATTESTED

RECORDED
District Consumer Court
SARGODHA
24/03/18