

**IN THE COURT OF EJAZ AHMAD BUTTAR
DISTRICT & SESSIONS JUDGE / PRESIDING OFFICER,
DISTRICT CONSUMER COURT,
FAISALABAD.**

Complaint No	1688/10
Date of institution	18-9-10
Date of decision	6-12-10

Aizad Awan Adv Vs. Tariq Javed.

Complaint u/s 25 of Punjab Consumer Protection Act 2005
for recovery of damages.

EX-PARTE ORDER

Present: - Petitioner in person. Respondent is ex-parte.

Brief facts of the case are that on 21-6-10 petitioner a practicing lawyer at Faisalabad allegedly paid an amount of Rs.50,000/- to the respondent for rendering service of supervising / completion of repairing, electric wiring, painting, finishing and partial construction of his co-owned house No.P-37 Rehman Town Faisalabad. On 25-6-10, the respondent further received Rs.4,00,000/- as estimated cost of material and labour charges. Respondent undertook to complete the task before 21-8-10. In the last week of August 2010, when petitioner visited the site and found that the respondent had failed to provide proper service as not only the task undertaken was left incomplete but also that the same was not up to the mark as material used by the respondent was substandard. When the respondent was asked to explain his fault, he allegedly promised to redress petitioner's grievance but later on refused. The petitioner repeatedly demanded from respondent to fulfill his promise about redressal of his grievance but the respondent paid no heed nor he responded to legal notice served by the petitioner on 25-8-10, hence, this petition for recovery of suit damages of Rs.11,60,000/- on account of respondent's defective and faulty services.

2. Process was issued for the appearance of respondent but he did not turn up despite service. He was, therefore, proceeded ex-parte.

3. Petitioner appeared as PW-1 and also placed on record his sworn affidavit EX-P1 and documentary evidence i.e. copy of legal notice EX-P2, postal receipt EX-P3, affidavit of Yasir Shabbir Mark 'A' cash receipts Mark '1' to Mark '24' in support of his claim.

4. As already stated, petitioner's evidence goes unchallenged by the respondent due to ex-parte proceedings, therefore, the petition is accepted ex-parte to the extent of recovery of Rs.2,50,000/- including damages on account of defective / faulty service (Rs.1,40,000/-), compensation for mental / physical discomfort (Rs.1,00,000/-) and litigation expenses (Rs.10,000/-) whereas petitioner's remaining claim is hereby dismissed. After due completion, file be consigned to record room.

Announced
6-12-10

Ejaz Ahmad Buttar,
District & Sessions Judge/
Presiding Officer,
District Consumer Court, Faisalabad.

Certified that this order consists of two pages which have been corrected and signed by me.

Announced
6-12-10.

Presiding Officer,
District Consumer Court, Faisalabad.