

**In the Court of Judge Mahar Tahir Nawaz Khan  
District & Sessions Judge/ Presiding Officer  
Consumer Court Districts Sheikhpura, Nankana-Sahib, Kasur &  
Lahore.**

Complaint No	197/17
Date of institution	27-04-2017
Date of decision.	02-04-2018

**Amjad Ali s/o Muhammad Saleem r/o 281-Badar Block, Allama Iqbal Town, Lahore.**

**Complainant**

V/S

1. **Javaid Rana s/o Aman Ullah.**
2. **Mudassar Hussain s/o Aman Ullah.**
3. **M. Khalil Khokhar s/o Baba Munir Ahmad,**  
All carrying their business in office No. 123, 1<sup>st</sup> Floor, Latif Center, Ichraa, Ferozpur Road, Lahore shop Babaji Jewelers Burg Ul Saeed, Ferozpur Road, Lahore.

**Respondents**

**COMPLAINT FOR RECOVERY 427 GRAMS AND 320 MILLIGRAMS PURE 24-CARET GOLD AND DAMAGES UNDER THE PUNJAB CONSUMER PROTECTION ACT 2005.**

**Order.**

1. Briefly stated facts of the complaint are that complainant placed an order to respondents for preparing sets of gold ornaments and handed over them 24 Caret pure gold weighting 427 Grams, 320 Milligrams on 11-04-2016 in presence of witnesses. Complainant alleged that it was agreed between the parties that all the sets of gold ornaments would be handed over to him on 10-05-2016. On the day fixed, complainant contacted the respondents, but they said that gold ornaments were not prepared and same would be delivered to him after one week. After that, respondents started to seek further time on different excuses. Complainant alleged that due to faulty and deficient services of the respondents, complainant cancelled the order for preparing the sets on 06-06-2016, and respondents promised to return the original pure above said gold to the complainant till 20<sup>th</sup> June 2016 and written receipt handed over to complainant. Respondents allegedly failed to deliver the said gold

to complainant even after the fixed date. Complainant moved an application for registration of criminal case in concerned police station, where matter was referred to Union of the Market, where matter was decided in favour of complainant which was not honored by the respondents. Complainant alleged that due to misrepresentation, unprofessional approach and faulty services of the respondents, he had to bear the wastage of precious time and financial loss. Complainant issued legal notice to respondents on 20-08-2016, but in vain, hence the present complaint. Complainant prayed this Court to decree the instant complaint in his favour and against the respondents individually and collectively.

2. Respondents were served through one Saqlain/receptionist at the given address, but no body appeared on their behalf, hence they were proceeded against ex-parte vide order dated 08-12-2017.

3. Complainant was directed to produce his ex-parte evidence. He appeared in witness box as Pw-1 and produced his affidavit in evidence as Ex-P/1 as examination in chief. He further produced receipt No. 023 issued by the respondents as Ex-P/2, postal receipt of legal notice Ex-P/3 copy of legal notice Mark-P/A, decision of jeweler's Association Mark-P/B and copy of FIR Mark-P/C and closed his ex-parte evidence.

4. Ex-parte arguments heard. Record perused.

5. Complainant in his ex-parte evidence produced receipt No. 023 which was issued by the respondents to complainant, wherein respondents admitted the receiving of the disputed gold and to deliver the same to complainant till 20-06-2016. Complainant also produced Mark-P/B, which is the decision of Sarafa & Jewelers Association in which respondents declared guilty and some terms were settled for returning of disputed gold to complainant, which was not acted upon by the respondents. Complainant has proved his version by way of ex-parte evidence regarding the delivery of gold to respondents for preparing sets of golden ornaments and also for non preparing of golden ornaments, and return back the gold to complainant which amounts to faulty services,

while the respondents have not taken pains to appear in this Court to rebut the version of the complainant, so complaint is partially ex-parte accepted in the terms that respondents would return gold weighing 427 Grams, 320 Miliigrams of 24-Caret to complainant, in failure would pay prevailing price on the date of return of the above said gold of 24-Caret. In addition the, respondents would also pay Rs. 1,50,000/ on account of costs, transportation expenses and litigation charges to complainant because complainant had to knock at the door of this Court against the faulty services of the respondents. Respondents individually and collectively responsible to pay the above said amount and gold to complainant within 30 days from the communication of this order otherwise proceedings u/s 32 of the Punjab Consumer Protection Act would be initiated against them. Rest of the Complaint regarding mental agony and health is dismissed. Registrar of this Court is directed to send copy of the order to the respondents for immediate compliance.

**Announced**  
**02-04-2018**

**Judge Tahir Nawaz Khan**  
**D&SJ/Presiding Officer**  
**District Consumer Court LHR.**

It is certified that this Order consists of three pages which have been dictated, corrected and signed by me.

**Announced**  
**02-04-2018**

**Presiding Officer**  
**D&SJ/P.O, DCC, LHR**