

27.06.2018

Present: Mr. Amjad Farooq Tarar Advocate Petitioner.

Syed Abbas-ul-Hassan Shah Advocate counsel for Respondents.

Arguments heard.

Petitioner Amjad Farooq Advocate seeks restoration of his complaint dismissed on 12.03.2018. The ground mentioned in the petition is that the proxy counsel appeared on the last date inadvertently noted wrong date and informed the petitioner as 13.03.2018 instead of 12.03.2018. Petitioner maintain that he came to know about dismissal of complaint on 13.03.2018 when he attended the court on the said day alongwith witnesses and on the same day application for restoration was submitted.

The stance of respondent on the other hand is that this is not a case fit for restoration in view of previous conduct of the petitioner who even did not complied with the direction of the Court with respect to furnishing packing boxes of allegedly defective product which fact is also mentioned in order dated 12.03.2018.

The record reflects that direction for production of packing boxes was issued vide order dated 31.01.2018 and thereafter on 14.02.2018 adjournment was sought by the petitioner. Thereafter on various pretext petitioner did not turned up and ultimately on 28.02.2018 last opportunity was accorded to the proxy counsel for 12.3.2018 on which day no one turned up on behalf of petitioner and complaint was dismissed.

The above mentioned situation clearly reflects the situation prevailing in the complaint at the time when the same was dismissed.

Notwithstanding the abovementioned aspect of the matter, it is always in the interest of justice to decide the cases on merits. The application is within time. The conduct of the petitioner can be dealt appropriately by imposing proper costs. In the interest of justice application for restoration of complaint is accepted subject to payment of costs of Rs.1000/-. The complaint stands restored subject to the condition that petitioner shall make payment of the costs on the next date without fail. Be annexed with main file.

Announced
27.06.2018.

(**Muhammad Sarfraz Akhtar**)

District & Sessions Judge/ Presiding Officer,
District Consumer Court Mandi Baha-ud-Din