

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

Complaint No	742/09
Date of institution	20-10-09
Date of decision	4-10-10

Haji Basharat Ali Vs. MCB Car Financing through
its Manager etc.

Complaint u/s 25/28 Punjab Consumer Protection Act 2005.

EX-PARTE ORDER

Present: - Originally the petitioner filed this claim against MCB, EFU Insurance Company / Adam Gee Insurance Company. During pendency of petition, Suzuki Falcon Motors (respondent No.3) were impleaded in the petition they being proper and necessary party.

2. Petitioner's case is that he had booked a car with respondent No.3 Suzuki Falcon Motors against their promise to provide the same within three months but the vehicle was supplied with delay of about 15 months with the result that petitioner had to suffer a lot for non availability of car. Besides this, he had to pay insurance charges of vehicle for the period he had to go without a car. Petitioner repeatedly demanded from respondents to pay him compensation / damages of Rs.100,000/- and also refund insurance charges of Rs.13,000/- but the respondents did not respond despite issuance of legal notice, hence this petition.

3. Vide interim order dated 21-7-10 respondents No.1&2 were found proforma respondents while respondent No.3 were proceeded ex-parte on 11-2-10 similarly respondents No.4&5 were also treated as such and claim was found maintainable against respondent No.3 as they had actually aggrieved the petitioner by supplying him suit vehicle late by more than a year.

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3. Petitioner appeared as PW-1 and also placed on record his sworn affidavit and documentary evidence in support of his claim.

4. As already stated, the only proper respondent was proceeded ex-parte, therefore, petitioner's ex-parte evidence is relied upon there being no rebuttal thereof. As the petitioner was not allegedly supplied suit car for more than a year, therefore, his difficulties can be imagined but granting him compensation / damages of Rs.100,000/- would be a harsh order however, keeping into view facts of the case compensation of Rs.25,000/- alongwith litigation charges of Rs.10,000/- would be an adequate relief. As regards refund of Rs.13,000/- being insurance charges, the petitioner may claim the same from Insurance Company concerned. Order accordingly. Petitioner's remaining claim is however dismissed. After completion, file be consigned to record room.

Announced
4-10-10

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
4-10-10.

Presiding Officer,
District Consumer Court, Faisalabad.