

Amir Iqbal. Vs. Muhammad Asghar Ali Incharge Utility Store, etc.
Case No.160/2018

Order in application under Order VII Rule 11 CPC

26.06.2019

P R E S E N T

Muhammad Zaman Gondal Advocate for the claimant/respondent.

Ghulam Abbas Goindi Advocate for the defendants/applicants.

This is an application for rejection of the claim/ complaint on the ground that the case of the claimant/ respondents is hit by the bar created by **Section 28 (3)** of the Punjab Consumer Protection Act, 2005, as the claimant has failed to issue legal notice to the defendants especially to the defendant No.1.

2. On the other hand, it has been contested by the claimant by filing his reply to this application and his learned counsel has argued that the legal notice dated 02.11.2018 issued to the Regional Manager Utility Store Corporation Sargodha Region, Sargodha, defendant No.4 is sufficient for all the defendants who are officers of the same organization.

3. I have considered the contentions of both the sides in the light of record and law on the subject.

4. It is an admitted fact that no legal notice has been issued to the defendants No.1 to 3 and the so called legal notice dated 02.11.2018 was issued to the defendant No.4 alone though the format of this notice is one of the departmental complaint instead of the legal notice.

5. In situation of the aforementioned admitted fact, I would rely upon the case law referred by the learned counsel for the defendants/ applicants reported as **2014 CLC 1454** where it has been held by the Honourable Lahore High Court, Lahore that the aforementioned provision of **Section 28 (3)** of the Punjab Consumer Protection Act, 2005, is mandatory.

6. As a conclusion of the above discussion, it is hereby held that the instant claim/ complaint is hit by the bar of **Section 28 (3)** *ibid*, therefore, it is not maintainable and proceedable, hence, the same is dismissed.

Announced
26.06.2019


Presiding Officer,
District Consumer Court,
Sargodha.

Amir Iqbal. Vs. Muhammad Asghar Ali Incharge Utility Store, etc.
Case No.160/2018

**Order in application under Section 476 Cr.P.C against
the defendants No.1, 3 & 4.**

26.06.2019

P R E S E N T

Muhammad Zaman Gondal Advocate for the
claimant/applicant


Ghulam Abbas Goindi Advocate for the defendants/
respondents.

This is an application dated 16.03.2019 for proceeding
against the defendants No.1, 3 and 4 under Section 476 Cr.P.C with
the allegation that they prepared a fake power of attorney of
defendant No.2 and submitted the same in this court.

2. This application has been contested by all the
defendants/ respondents through their counsel Ghulam Abbas
Goindi Advocate by denying the allegation mentioned in the same
with documentary proof of the process of preparation of the said
power of attorney alongwith the process of its execution and
dispatched through the documents i.e. the letters showing
correspondence between the offices of defendants No.2 and 4 and
the certified copies of the dispatch register with relevant entries in
this regard, therefore, it is held that the aforementioned material is
sufficient to refute the allegation leveled by the applicant.

3. It is worth mentioning here that during the course of
proceedings dated 16.03.2019 the claimant/ applicant has already
disowned the contents of this application and genuineness his
signatures on the same, therefore, in the light of his said stance before
the court, this application has become worthless, hence, it is held that
this application is without any substance, devoid of merits and not
proceedable, rather it is based on malafide, thus, liable to be rejected,
hence, it is so rejected.

Announced
26.06.2019


Presiding Officer,
District Consumer Court,
Sargodha.

Amir Iqbal. Vs. Muhammad Asghar Ali Incharge Utility Store, etc.
Case No.160/2018

**Order in application under Section 476 Cr.P.C against
Muhammad Zaman Gondal Advocate.**

26.06.2019

P R E S E N T

Ghulam Abbas Goindi Advocate for the defendants/
applicants.

Muhammmad Zaman Gondal Advocate as respondent.

This is an application dated 26.03.2019 filed by the
learned counsel for the defendants/ applicants for proceeding under
Section 476 Cr.P.C against Muhammad Zaman Gondal Advocate
learned counsel for the claimant for preparation of a false
application dated 16.03.2019 with fake signatures of the claimant
seeking proceeding against defendants No.1,3 and 4 with the
allegation of a fake power of attorney of defendant No.2.

2. This application has been contested by Muhammad
Zaman Gondal Advocate by denying the allegation against him.

3. Keeping in view the orders of even date, passed by this
court in two connected applications; one under Order VII Rule 11 CPC
and other under Section 476 Cr.P.C filed by the defendants and
claimant respectively, this application has become infructuous,
therefore, it is hereby disposed of accordingly.

Announced
26.06.2019


**Presiding Officer,
District Consumer Court,
Sargodha.**