

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

Complaint No	487/11
Date of institution	16-11-11
Date of decision	28-4-12

Aizad Shahzad Mehmood Awan Adv Vs. Sheikh Khurram etc.

Petition u/s 25 of the Punjab Consumer Protection Act 2005.

EX-PARTE ORDER

Present: Petitioner in person. Respondents are ex-parte.

Brief facts of the case are that on 3-10-11, the petitioner purchased a motor bike CD/70 (engine No.00396 and chasis No.HAF-0401) from respondent No.1 through respondent No.2 after paying sale price of Rs.25,000/-, vide invoice Ex-P-2. The petitioner also paid an amount of Rs.2000/- to respondent no.2 by way of commission for transaction between parties. At the time of sale of bike, respondent No.1 promised to hand over original documents of bike within two weeks which he did not. Later on, it also revealed to the petitioner that number of bike as VRP-3351 shown on registration plate of bike was factious. When respondent No.1 proved reluctant to hand over bike documents, petitioner approached to him through respondent no.4 but he still did not redress petitioner's grievance. The petitioner also issued legal notice to the respondent on 21-10-11 but still they paid no heed, hence, this petition for grant of suit amount of Rs.3,40,000/- including loss of sale price of bike /

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commission fee, damages for mental / emotional agony counsel fee and miscellaneous expenses.

2. As nobody appeared from respondent's side despite issuance of court notice including substituted service by publication of court notice in the press, they were proceeded ex-parte

3. Petitioner appeared as PW-1 and also placed on record his sworn affidavit Ex-P-1, sale receipt Ex-P-2, copies of legal notice Ex-P-3 & Ex-P-4 and courier receipts Ex-P-5 & Ex-P-6.

4. Ex-parte arguments heard and record perused.

5. As petitioner's evidence has not been rebutted by the respondent, therefore, the same is relied upon and petitioner's claim is accepted ex-parte for recovery of Rs.10,000/- each compensation / damages on account of mental / physical discomfort and litigation expenses. Respondent shall also hand over original documents of suit motor bike to petitioner as promised, however, petitioner's remaining claim is hereby dismissed. After due completion, file be consigned to record room.

Announced
28-4-12

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
28-4-12.

Presiding Officer,
District Consumer Court, Faisalabad.

