

**IN THE COURT OF MUHAMMAD SHABBIR HUSSAIN DISTRICT & SESSIONS  
JUDGE/PRESIDING OFFICER DISTRICT CONSUMER COURT MANDI BHAUDDIN.**

**Case No. 09-2017.**

**Date of Institution. 02-06-2017.**

**Date of Decision. 27-09-2017.**

**DR. MUHAMMAD AKRAM S/O GHULAM MUHAMMAD GONDAL RESIDENT OF  
MODEL TOWN CITY MANDI BHAUDDIN (PETITIONER)**

**VERSUS**

**SHARP MEDIX PAK THROUUGH ITS AGENTS (I) MUHAMMAD UMER FAROOQ  
(0342-4522434) (II) SYED KHURAM SIDDIQUE HEAD OFFICE 623-C FAISAL TOWN  
DISTRICT LAHORE (RESPONDENTS)  
PRESENTLY HEAD OFFICE 792/F-2 WAPDA TOWN LAHORE**

**Suit for Recovery of 25,60000/- as Damages.**

Present: Learned counsel for the petitioner.

Respondents are proceeding against Ex-parte.

**Order:-**

1. Briefly, facts necessary, divulged from the contents of the petition are that petitioner is a registered Medical Practitioner and has been running private clinic since 20 years. Further alleged that respondents are cunning as well as swindler persons who met him in the month of December 2016 in his clinic situated at Gurah Chowk Mandi Bhauddin Ibrahim Hospital Mandi Bhauddin and by practicing miss representation and fraud convinced him that they deals in selling reconditioning American Medical Instruments resultantly, petitioner had purchased from the respondents one Ultra Sound Machine Colour Doppler and One E.C.G. Machine made in Poland against consideration amount rupees 5,60000/-. Petitioner further added that he gave his old Ultra sound Machine to respondents for rupees 1,00000/- and by way of this transaction he had paid total amount rupees 4,60000/- to respondents through four installments

*Shammy*  
27-9-17  
Presiding Officer  
District Consumer Court  
M. B. Din

M. B. Din  
District Consumer Court  
Mandi Bhauddin

- (i) First Instalment rupees, 2,50000/- on 06-12-2016.
- (ii) Second Instalment rupees, 15,0000/- on 09-12-2016.
- (iii) Third Instalment rupees, 50,000/- on 10-01-2017.
- (iv) Fourth Instalment rupees, 10,000/- on 10-02-2017.
- (v) Old Machine adjustment rupees,1,00000/-

2. Petitioner next narrated that respondents did not give any receipt or invoice of the above noted medical instruments, further, alleged that respondents promise to give him training for the operation of Ultrasound Machine but they did not made their word true. He also alleged that after a few days, Ultrasound Machine had become out of order there after petitioner on several times, made contact with the respondents to redress his grievance but of no avail, hence, he filed the instant petition.

3. Respondents were summoned through due process even at a last resort their attendance through publication in the "Daily Newspaper JANG Lahore" were also procured but it remained fruitless. Hence, they were proceeded against Ex-Parte

4. In his Ex-parte evidence petitioner recorded statement as PW-1 he also produced PW-2 and PW-3 in sport of his claim. Petitioner in his Ex-parte evidence reiterated his stance as he alleged in the petition, remaining PWs also sported the petitioner.

5. According to the contents of the petition it is admitted fact that alleged medical instruments i.e. Ultrasound Machine color Doppler and ECG machine made in Poland were reconditioning instruments and the same were not new branded. It is also admitted facts that petitioner neither attached any receipt nor invoice in connection with alleged medical instruments. As per evidence adduced by the petitioner that ECG machine is in order and working properly but alleged Ultrasound machine color Doppler had become out of order. As per exhibit P-1 petitioner had paid sale consideration/amount 4,60000/- by four instalments via on line through NIBP, this facts undoubtedly suggest that transaction between the parties

27-9-17  
Presiding Officer  
District Consumer Court  
M. B. Din



side who were proceed against Ex-parte however, contents of legal notice mark A are not consonance with the contents of petition.

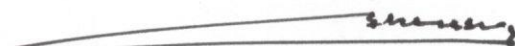
6. In the light of above noted facts and circumstances petition in hand is accepted Ex-parte and following order is passed against the respondents.

(i) Respondents shall get repair in to operational order alleged Ultrasound machine color Doppler at their own expenses.

(ii) Provide services of training to petitioner if agreed between them at the time of transaction in connection with alleged Ultrasound machine color Doppler.

7. Order shall be compiled within the period of one month form the date of its announcement. In case of failure provision of sub section 2 (32) Punjab Consumer Protection 2005, shall be invoked. Copy of this order shall be sent to respondents on the above noted addresses.


Announced on: 27-09-2017.

  
 MUHAMMAD SHABBIR HUSSAIN  
 DISTRICT & SESSIONS JUDGE/PRESIDING OFFICER  
 DISTRICT CONSUMER COURT  
 MANDI BHAUDDIN.

Certificate:-

It is certified that this order is consist of three pages which is dictated, read, corrected and signed by me.

Announced on: 27-09-2017.

  
 MUHAMMAD SHABBIR HUSSAIN  
 DISTRICT & SESSIONS JUDGE/PRESIDING OFFICER  
 DISTRICT CONSUMER COURT  
 M.B.DIN.