

**In the Court of Mahmood Ahmed Shakir Jajja, District & Sessions
Judge/ Presiding Officer, District Consumer Court, Bahawalpur**

Arfan Sheikh etc Vs Malik Saleem etc.

**Case No. 2124/11
Dated of Institution 11-03-2011.
Date of Decision: 20-01-2012.**

Present: Parties along with their counsel.
 Arguments heard. Record perused.

Order:-

The version of the complainants is that they deal in Artificial Jewelry in the name of Anar Kali Jewelry Shop, Bahawalpur; that on 03-11-2010 they went to Karachi and purchased Artificial Jewelry from different places of Rs.7,78,578/-; that the said Jewelry was packed in to the cartons and booked the same in the office of respondent No.3 on 04-11-2010 and obtain receipt thereof; that the articles were booked against the builty No. 4922; that when the complainants contacted the respondent No.1 in Bahawalpur, they were ask to collect the articles of the next date but later on, they were given many dates but the builty was not delivered to them. When the complainants contacted the respondent No.2, he said that he will return the articles or price thereof but later on he flatly refused. The respondents were issued legal notices which remained un responded. Hence, this complaint for recovery of value of the Artificial Jewelry Rs.7,78,578/- and damages of Rs.1,00,000/-.

From the other side, the respondents have admitted the booking of the articles of the complainants. Their version is that vehicle No.TLB448 was looted by the Dakaits in the boundary of Police Station, Mutiari. So, there is no fault on the part of respondents and they are not liable to pay the price of Jewelry items.

After hearing the arguments and perusal of the record, the court has observed that the complainants have placed on record photo copy of the notices Mark-A to C and receipts AD Mark-D to F and other documents regarding the purchase of the Jewelry and its booking with the respondent No.3 from Mark-G to Mark-A-A. The respondents on the other hand, have placed on record copy of the FIR Mark-R1 and detail of the stolen articles Mark-R2 to Mark-R5. So, it is an admitted fact that the complainants have booked Artificial Jewelry valuing Rs.7,78,578/- which has not been delivered to them at Bahawalpur. So, far as concern the Dakaiti of the Tralla of the respondents, there is no fault on the part of the complainants. The complainants are entitled to recover their articles because custody and security of the articles is duty of the respondents. Therefore, the complaint in hand is allowed in favour of the complainants and against the respondents for Rs.7,78,578/-. The complainants are also held entitled to recover the damages of Rs.50,000/-. File be put up for execution till 21-02-2012.

Announced:
20-01-2012

Presiding Officer