

Yasir Iqbal Vs PIA through Station Manger etc.

Date of institution:-05-10-2011

Dated of Decision :- 11-10-2011

Present: Nemo for the claimant.

Order.

Record reflects that on 10-10-2011 none appeared on behalf of the claimant and claim was adjourned to 11-10-2011 for appropriate order. Today on 11-10-11 also none appeared on behalf of the claimant inspite of repeated calls. According to the clamant narration he went to Saudi Arabia for performing Umrah. On 28-08-2011 he arrived at 7-50 in the morning at Allama Iqbal Airport. He started wait for his baggage. He informed the Station Manager that his baggage remained their at Benzir Air Port and he will have to wait for $\frac{3}{4}$ hours. He waited there but baggage did not come. Thereafter his baggage was handed over to him after two days. Due to this reason claimant had to stay in Lahore for two days and he has to incurred expenses for staying in Lahore. Claimant served the legal notice on the on the respondent hence the present claim.

Bare perusal of the claim reflects that cause of action partially and wholly arose in Lahore which is not in the territorial jurisdiction of this court. Offices of the defendants are also not exists in the territorial jurisdiction of this court. About the territorial jurisdiction of consumer courts Section 27 of the Punjab Consumer Protection Act is very clear and is reproduced hereunder for ready reference.

Subject to the provisions of this Act, the Consumer Court shall have jurisdiction to entertain complaints within the local limits of whose jurisdiction-

- (a) the defendant or each of the defendants, where there are more than one, at the time of filing of the claim, actually and voluntarily resides or carries on business or personally works for gain, or
- (b) any of the defendants where there are more than one, at the time of the fling of the claim, actually and voluntarily resides, or carries on business, or personally works for gain, provided that in such a case the permission is granted by the Consumer Court or the defendants who do not reside, or carry on business, or personally works for gain, as the case may be, acquiesce in such institution, or
- (c) the cause of action wholly or in part arises.

According to the version of the claimant cause of action wholly arise in Lahore Air Port which is the territorial jurisdiction of Lahore Consumer court. Offices of the respondent are also in Lahore where they are actually and voluntarily carries on their business. In the prevailing circumstances claim/petition is returned back to the claimant Yasir Iqbal for proper presentation before the proper court of jurisdiction within 10 days from this order. Certified copies of the claim be kept in record and original be returned back to the claimant.

Announced.

11-10-11

District & Sessions Judge/District Judge
Consumer Court Sahiwal

