

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

Mohammad Umer Farooq Vs Terminal Manager Niazi Express etc.

**Case No. 2076/11**

**Dated of Institution: 29-01-2011.**

**Date of Decision: 24-11-2011.**

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

Order:-

The version of the complainant is that he booked a seat No.4 in coach No.7510 from Niazi Terminal, Lahore for Bahawalpur on 07-01-2011 at 07:30 pm; that the coach departed from Lahore at 07:30 pm and reached in Multan at 12:40 am; that many passengers were landed in Multan and the staff of Niazi Coach told them that they will not go to Bahawalpur due to shortage of passengers; that the complainant protested on this behaviour but the staff of the Coach took out his luggage from the luggage box, threw away on the road and went away; that the complainant was left helpless at 1:00 am on the road; that it was a chilling cold night and he had to wait till 3:00 am; that the complainant reached in Bahawalpur with much difficulty through Kohstan bus service coming from Faisalabad to Bahawalpur at 4:30 am ; that the complainant made a complaint to Niazi Terminal, Lahore on 08-01-2011 but he got no response; that he served legal notice to the respondents on 12-01-2011 but they did not replied it. Hence this complaint with claim of damages of Rs.1, 00,000/-

Contrary to it, the version of the respondents is that neither the coach was departed nor ticket was issued from Bahawalpur Terminal for Lahore on the said date ; that Niazi Terminal, Bahawalpur has got no concern and is not bound to reply to this complaint; that the said coach is not of Niazi Company, Lahore; that Niazi Express is distinguished to facilitate the passengers and is providing its services in all over the Pakistan; that not a

single complaint has received regarding faulty services from any other passenger; that the complaint is malafide and liable to be dismissed.

The complainant to substantiate his version has placed on record original ticket purchased by him from respondents terminal at Lahore Ex-P1. He has further produced UMS receipt Ex-P2 and copy of notice Ex-P3 issued by him to the respondents. Although, the respondents have denied that the Bus No.7510 is not that of Niazi Coach and they are not responsible for faulty services alleged by the petitioner but the receipt Ex-P1 clearly make out that it is a printed receipt that of Niazi Express which is also attached by a pamphlet got printed and issued by the Niazi Express about their schedule and routes being operated from Niazi Express Terminal, Lahore. The oral denial of the respondents is insufficient to rebut the documentary evidence produced by the petitioner. The petitioner has also fulfilled the legal requirements by issuance of legal notice Ex-P3 vide receipt Ex-P2. The petitioner has also produced copy of the complaint made by him in the complaint book available in the said bus Mark-A. Wherein, the petitioner has made the same complaint alleged by him in this petition. The said book has also been got printed and provided by Niazi Express, Bakkar Mandi, Bund Road, Lahore. The contents of the petition are supported by an affidavit. Whereas, no such affidavit has been appended by the respondents with their written reply submitted through their counsel. Therefore, I am fully convinced in four corners of my mind and am satisfied at heart that the respondents have provided faulty services to the petitioner. The petitioner has clearly faced physical and mental torture and agony by dropping him at Multan without any traveling arrangement in the chilling winter season of January at night (12:40 am). Therefore, respondents are held liable to pay compensation /damages of Rs. 50,000/- to the petitioner. Petition in hand is accordingly allowed. Notice be issued for execution on 02-01-2012.

Announced:

24-11-2011

Presiding Officer