

IN THE COURT OF MIRZA JAWAD A: BAIG,
DISTRICT & SESSIONS JUDGE,
PRESIDING OFFICER, DISTRICT CONSUMER COURT,
50-Z, MODEL TOWN, DERA GHAZI KHAN, CAMP AT LAYYAH.

(PHONE: PTCL: 0642474100. FAX: 0642470496. VNTC: 0649239094).

Bakhto Mai c/o Mohammad Nawaz Versus DCO Layyah & 1 other

Complaint/ Case No: 2301 / 222 / 12.
Date of Institution: 13-03-2012.
Date of Decision: 31-05-2012.

COMPLAINT ABOUT FAULTY SERVICE

ORDER:

The Claimant is **represented** by her son namely Mohammad Nawaz while defendant No.1 is represented by Mohammad Imran Thind litigation clerk whereas defendant No.2 is represented by Zahoor Legal Assistant.

2. The court is on tour at **Layyah**.

3. The case is at the stage of the filing of written statement of defendant No.1 which has been filed today while separate written statement of defendant No.2 is already available in the file.

4. I have heard the arguments of the representatives of the parties and perused the file in the light of the said arguments today. Now I proceed to discuss and **dispose off** the complaint in accordance with the findings in the following paragraphs.

5. Briefly stated the **grievance** of the claimant is two fold firstly about non issuance of correct CNIC and secondly non issuance of Wattan Card and Mubarak Card which were meant for providing financial assistant to the flood effective people. The claimant has requested that her loss of Rs.40,000/- which was admissible to her through Wattan Card should be recovered from defendant No.2 due to non issuance of proper CNIC by claiming that the card relating to the financial assistant could not have been obtained due to non availability of proper CNIC.

6. Both the defendants have contested the complaint by filing their separate statements by raising certain preliminary objections and by suggesting about proper remedy being filing of appeal before District Review Committee working under Provincial Disaster Management Authority (PDMA) and requested for dismissal and filing of the complaint.

7. It is pertinent to note that although **evidence** is necessary to be recorded under S.30 of PCP Act 2005 for disposal of the complaints by the Consumer Courts but since the procedural laws known as the Code of Civil Procedure, 1908; the Code of Criminal Procedure, 1898; the Qanun-e-Shahadat Order, 1984, the Bankers' Books Evidence Act, 1891; special rules of evidence u/s 118 of the Negotiable Instruments Act, 1881 are not strictly applicable to the proceedings of the Consumer Courts, as such the propriety demands that the regular evidence should not be recorded in such cases where the points for determination are mostly based on the copies of the admitted documents available in the file of the complaint or admitted in the pleadings just like the present case.

8. I have observed that proper remedy for recovery of the expired financial grant is to file appeal in accordance with the suggestion of the defendants before District Review Committee Layyah therefore the complaint is deemed to be returned for the filing of the appeal to the extent of the grievance about non payment of financial grant and non

issuance of Wattan Card and Mubarak Card. The claimant is therefore directed to file an appeal in the Wattan Card Center which will be forwarded to District Review Committee by the concerned office for further action in accordance with law.

9. As far as the grievance about non issuance of correct CNIC, it is proper to issue the direction to defendant No.2 for removal of the defects pointed out in the present CNIC by issuance of modified CNIC at the earliest.

10. In accordance with above discussion, the complaint is partly accepted to the extent of issuance of the direction for providing modified CNIC to the claimant while the complaint is disposed off as withdrawn to the extent of Wattan Card and Mubarak Card and payment of compensation by way of return to the file the required appeal.

11. *Parties are left to bear their **own** costs.*

12. *This order would become final u/s 34 of PCP Act 2005, if the **appeal** is not preferred within period of 30 days under S.33 of PCP Act 2005 & Rule 18 of PCP Rules 2009 in accordance with the Rules of Procedure of Honourable High Court.*

13. *One attested **copy** of this order is directed to be provided to the claimant and one copy to the defendants jointly on filing the applications without **court fee tickets** on plain papers free of costs by entry with signatures in token of receiving in Dak Register with the clarification that extra copies would be liable to be issued at their own expenses.*

14. *The file of this complaint is to be **consigned** to the record room of this court duly page marked with proper index and after due completion and made available for issuance of attested copies and kept under safe custody till the period fixed for destruction in accordance with the Rules & Orders of Honourable Lahore High Court.*

Announced:
31-05-2012.

(MIRZA JAWAD A: BAIG)
D. & S. J. / P.O., D.C.C., D.G.K.,
PUNJAB, PAKISTAN,
CAMP AT LAYYAH.