

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

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

Mukhtiar Hussain Versus Shouket Muneer

Complaint / Case No: 1671 / 374 / 11.
Date of Institution: 26-09-2011.
Date of Decision: 16-01-2012.

COMPLAINT ABOUT FAULTY SERVICE

ORDER:

Claimant is represented by Malik Ghulam Mustafa Babar Advocate while the defendant is being proceeded against ex-parte.

1. The case is at the stage of ex-parte arguments which have been heard and file has been perused as such I proceed to dispose off the complaint by discussion in the following paragraphs.

2. Briefly stated the version of the claimant is to the effect that he had started the business of Diesel Agency after retirement on pension from Army as head clerk; that the defendant was employed in the same; that the defendant worked for about 10 months; that the defendant caused the loss of about Rs.51432/- by fraud; that he had been promising to repay the amount as and when demanded by the claimant alongwith witnesses; that the defendant had been delaying the matter on future promises; that he has refused to pay at the last and threatened the claimant and witnesses about murdering the claimant and witnesses and tried to meddle with the claimant; that no action had been taken by the SHO police station Karor on application of the claimant; that notice has been issued by post under receipt No.1561; that the defendant has claimed that he has no respect for the courts; that no judge can summon him; that the amount should be recovered from the defendant and he should be punished adequately.

3. The ex-parte evidence of the claimant consists of original affidavit of claimant as Ex.P-1; original affidavit of Mohammad Afzal PW; original postal receipt as Ex.P-2; copy of CNIC of the claimant as Mark PA; copy of CNIC of the defendant as Mark PB; copy of legal notice as Mark PC; copy of police application as Mark PD; copy of the writing of one Habib Ullah as Mark PE; copies of the statement of account containing the calculation about embezzled amount (two pages) as Mark PF. The right of the claimant to produce additional evidence has been reserved to be produced if the case is to be contested by the defendant.

4. I have observed from a perusal of the file that the version of the claimant is established from ex-parte evidence to the effect that the defendant was being employed as Munshi by the claimant at his diesel agency for providing proper services but he has provided faulty services by embezzling the amount as mentioned in the affidavits and in the statement of account Mark PF, therefore the defendant is liable to pay the disputed amount to the claimant.

5. I have observed that the dispute is within the jurisdiction of this court because the defendant is deemed to be the service provider and the claimant is termed to be consumer of the services provided by the defendant.

6. In accordance with above discussion, the complaint is hereby accepted in ex-parte manner by directing the defendant to pay Rs.51432/- to the claimant alongwith counsel fee subject to the filing of the certificate of the fee within one month.

7. *The claimant is entitled to get this order implemented by filing the application for implementation with reference to S.31, 32 & 36 of PCP Act 2005, if so required with the warning to the defendant that the costs to be incurred for and during the application for implementation would also be liable to be recovered from the defendant.*

8. *Stringent action would be liable to be taken u/s 32(2) read with S.36 of PCP Act, 2005 for implementation of this order through arrest, detention, attachment, auction, against the defendant.*

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

10. *A soft copy of this order would be available for publishing on the internet to the website of Punjab Consumer Protection Council Directorate, 135-J, Model Town, Lahore for public disclosure and easy access of information to the consumers relating to the products and services under Rule 25 of PCP Rules, 2009.*

11. *The file of this complaint is to be consigned to the record room 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:
16-01-2012.

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