

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).

Shehzad Tangwani Versus Manager HBL Kot Sultan

Complaint / Case No: 1646 / 349 / 11.
Date of Institution: 29-08-2011.
Date of Decision: 30-01-2011.

APPLICATION ABOUT FAULTY SERVICE

ORDER:

Petitioner is represented by his personal appearance while the respondent Bank is represented by Sheikh Mohammad Zulfiqar Advocate.

1. The case is at the stage of arguments which have been heard and file of this application as well as the file of the previous main complaint has been perused as such I proceed to discuss and dispose off the present application by discussion in the following paragraphs.

2. Briefly stated the version of the petitioner is to the effect that this court had directed him to seek his remedy from Banking Mohtasib but such Mohtasib is not appointed presently and that the matter can be solved only by this court.

3. The version of the petitioner in the ancillary application dated 10-09-2011 is to the effect that he was refused from deposit of his bill by the bank on the plea that he was alleged to file false applications against the bank. He has requested for proper proceedings against the bank.

4. The Bank has submitted the reply relating to the main application to the effect that the petitioner has already been directed to seek his remedy from Banking Mohtasib and civil court; that the petitioner should go to said forums; that the application is baseless and meaningless; that it should be dismissed.

5. The version of the Bank in the reply of the ancillary application is to the effect that the petitioner has not nominated any person responsible for the refusal to deposit his utility bills; that previous application of the petitioner was disposed off on 15-07-2011; that the petitioner is used to file such applications; that the heavy fine should be imposed against the petitioner; that the application should be dismissed.

6. The claimant has explained his request relating to the main application in the arguments to the effect that the jurisdiction of this court is not barred due to the powers of Banking Mohtasib and that the court is competent to deal with the disputes relating to such consumer who is self employed and that he has been referred by Punjab office of Banking Mohtasib to Karachi office and by Karachi office again to Punjab office.

7. It has been contended by learned counsel for the respondent that the court has already passed the order against the petitioner which is binding and cannot be reviewed.

8. I have observed from the perusal of the contentions contained in the various letters and documents included in the file of the present application and also perusal of the file of the main decided complaint that the contention of the petitioner is worth considering by review of earlier order and by restoration of the main complaint because he has raised new and important points to be determined in

fresh proceedings specifically when he has not been provided any relief by the establishment of Banking Mohtasib and there is no bar for the petitioner to return to the court for the redress of his grievance after trying the forum of Banking Mohtasib. Therefore it is in the interest of justice to cancel order dated 15-07-2011 by review of said order so that the legal questions raised by the petitioner can be properly determined during fresh proceedings of the main complaint in the interest of justice whereas ancillary application is disposed off by direction that the petitioner should not be refused to get his utility bills deposited in the concerned branch of the bank.

9. In accordance with above discussion, the present application is accepted by cancellation of order dated 15-07-2011 and main complaint titled Shahzad Tangwani versus HBL bearing No.1446/149/11 is restored for further proceedings.

10. Separate order is being passed in the file of the restored complaint which is being fixed on 06-02-2012 for further arguments.

11. The parties are left to bear their own costs.

12. *The file of this application is to be consigned to the record room of this court at D.G.Khan 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:
30-01-2012.

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