

IN THE COURT OF *MIRZA JAWAD A: BAIG*, DISTRICT & SESSIONS JUDGE,
PRESIDING OFFICER, DISTRICT CONSUMER COURT,
DISTRICTS: D.G. KHAN; LAYYAH; MUZAFFARGARH; RAJANPUR,
50/Z, MODEL TOWN, DIVISIONAL HEAD QUARTER, DERA GHAZI KHAN.

(PHONE: PTCL No. 0642474100) (VNTC No. 0649239094) (FAX No. 0642470496).

Hafiz Mirza Mohammad Noman Baig V Dr. Mohammad Nasrullah

COMPLAINT ABOUT LABORATORY

Complaint/Case No:	1409/112/11.
Date of Institution:	01-03-2011.
Date of Decision:	29-09-2011.

ORDER:

Present: Syed Haider Ali Bukhari Advocate from D.G.Khan alongwith Hashim Sher Khan Advocate from D.G.Khan both on behalf of the claimant and Allah Baksh Buzdar Advocate on behalf of the defendant.

1. The case is at the stage of the final arguments which have been heard and the file has been perused by going through the evidence on the record in the light of the arguments as such I proceed to dispose of the complaint by discussion in the following paragraphs:-

2. The version of the claimant as alleged in the complaint is to the effect that the blood group of the son of the claimant was incorrectly mentioned as A plus Ve in the report of the laboratory being managed by the defendant which resulted in the inconvenience and dangerous situation during the process of transfusion of blood; that the claimant is entitled to recover Rs.750/- as test charges; Rs.50,000/- as counsel fee; Rs.5,000/- as clerk fee; Rs.10,00,000/- as damages from the defendant; that the laboratory of the defendant should be sealed and his license should be cancelled.

3. Defendant has denied the disputed hand writing on the disputed report as his version contained in the written statement and raised certain preliminary objections and requested for dismissal of the complaint and also requested for the grant of special costs.

4. In accordance with the requirement of S.30 PCP Act 2005, the parties were directed to produce their evidence through appointment of learned Local Commissioner (LLC) for recording the evidence subject to the payment of fees to be paid by the parties.

5. Oral evidence produced by the claimants alongwith cross examination consists of the affidavit of the claimant as Ex.A-1 alongwith cross examination as AW-1; the affidavit of the brother of the claimant Ex.A-2 alongwith cross examination as AW-2; Dr. Mohammad Shakeel u Rehman as AW-3; Mohammad Jamil as AW-4.

6. Documentary evidence produced by the claimants consists of the affidavits used as examination in chief of PWs as Ex.A-1 to Ex.A-2; original disputed report as Ex.A-3; original postal receipt as Ex.P-4; original medical prescription as Mark.A-1; original report of Raza Lab as Mark.A-2; original report of City Lab as Mark.A-3; copy of ID card of counsel as Mark.A-4; copy of ID card of the claimant as Mark.A-5; copy of legal notice as Mark.A-6.

7. Oral evidence of the defendants consists of the statement of the defendant as Ex.D-1.

8. Documentary evidence of the defendant consists of the affidavit used as examination in chief of AW-1 as Ex.D-1; test report as Ex.D-2.

9. I have observed from the perusal of the oral and documentary evidence of the parties with reference to the pleadings in the light of the arguments that since the claimant has failed to prove the hand writing of the defendant on the alleged report as such he is not entitled to any relief.

10. The complaint is therefore dismissed. Parties are left to bear their own costs.

11. *This order would become not become final u/s 34 of PCP Act 2005, if the appeal is 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 or if the application for cancellation is filed by exparte defendants under Rule 14 PCP Rules 2009 during the said period.*

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

13. *The file of this court is to be consigned in the record room duly page marked with proper index and made available for issuance of attested copies to any applicant and kept under safe custody till the period fixed for destruction, after due completion.*

Announced:
29-09-2011.

(MIRZA JAWAD A. BAIG)
D. & S.J./ P.O., D.C.C., D.G. KHAN.