

**IN THE COURT OF SHAUKAT KAMAL DAR DISTRICT &
SESSIONS JUDGE/PRESIDING OFFICER,
DISTRICT CONSUMER COURT,
SIALKOT/NAROWAL.**

Case No.18/2019
(Dated of Institution: 08-04-2019)
(Dated of Decision: 25-06-2019)

Fayyaz Ahmed Butt Vs Noor Elhi Butt Caste Kashmir R/O Abbat
Road Tehsil & District Sialkot.

(Complainant)

Versus.

Muhammad Younis Electrician R/O Hental Pura Street Haji
Muhammad Farooq Gloves Wali Tehsil & District Sialkot.

(Respondent)

Complaint U.Sec 25 of the Punjab Consumer Protection Act, 2005

Order:

Brief facts necessary to dispose of this complaint as alleged in the complaint are that on 20-02-2019, complainant handed over his out of order welding plant valuing Rs. 1,50,000/- for repairing to the respondent, who promised to repair it within 10 days and took Rs. 10000/- in advance. On 02-03-2019, when the complainant went at his workshop he found his welding plant was same as it was first and no repairing was done by the respondent. The respondent told that it is not repairable and he further destroyed the welding plant, hence, the complainant is entitle to receive Rs. 4,10000/- from the respondent as compensation. The complainant issued legal notice but so far no response has been received, hence, this complaint.

02. For the service of the respondent, a summon was issued and as per report Exh-AAA of the messenger of this Court he was served personally but he did not appear and he was proceeded against ex-parte vide order dated 16-04-2019 and evidence of the complainant was summoned.

District Sessions Judge/Presiding Officer
District Consumer Court, Sialkot/Narowal

Fayyaz Ahmed Butt Vs Muhammad Younis

02

03. In order to substantiate his claim, the complainant Fayyaz Ahmed Butt appeared in the witness box as PW.1 and produced his affidavit as Exh-P.A in which he repeated the same facts which have been alleged in the complaint. In documentary evidence the complainant produced fee certificate Exh-P.B post receipt regarding issuance of legal notice Exh-P.C copy of legal notice Mark-A and snaps of plant Mark-B and closed his evidence.

04. Ex-parte arguments heard & record perused.

05. Admittedly welding plant was handed over to the respondent for its repairing on 20-02-2019 as alleged in the complaint and it was agreed upon that within 10 days it would be repaired. On 02-03-2019, when the complainant went at the workshop of the respondent he found the same unattended which shows that cause of action aroused on 02-03-2019 and legal notice was sent to the respondent on 16-03-2019, whereas, instant complaint was filed on 08-04-2019 with the delay of 06 days but neither the complainant had filed any application for condonation of delay nor even he has produced any evidence for condonation of delay. As the instant complaint is badly time barred, hence, on this score the same is hereby dismissed without touching the other merits of the case. File be consigned to the record room after its due completion.

Announced:
25-06-2019.

Shaukat Kamal Dar
Presiding Officer,
District Consumer Court
Sialkot/Narowal.

CERTIFICATE

Certified that this Order contains 02 pages and each of pages is dictated, corrected and signed by me.

Announced:
25-06-2019.



Shaukat Kamal Dar
Presiding Officer,
District Consumer Court
Sialkot/Narowal