

**IN THE COURT OF MUHAMMAD YOUSAF  
PRESIDING OFFICER DISTRICT CONSUMER  
COURT, GUJRANWALA  
Case No.80/11**

Date of institution : 17-05-11.

Date of Decision : 13-09-11.

Shabir Ahmed Farooqi Advocate 150-Kayani Chambers Sessions Courts, Gujranwala.  
(complainant)

Vs.

1. Asrar Ahmed 2. Saha Nawaz S/O Jahan Khan Caste Rajput R/O Qila Mila Singh Near  
Sancira Gorla District Gujranwala. (respondent)

**COMPLAINT UNDER SECTION 25 OF THE PUNJAB CONSUMER  
PROTECTION ACT, 2005.**

**EX-PARTE JUDGMENT:**

1. Complainant, an advocate by profession has filed the instant complaint against respondents with the accusation that 15/16 days earlier he made a settlement with respondents for whitewash of his chamber in Rs.4000/- as labour charges while material was to be provided by him. According to the complainant on the asking of respondents, he has purchased material of Rs.6000/- and also paid 1800/- in advance to respondents as labour charges but after two days work, respondents have not turned up leaving the whitewash work incomplete. He has further alleged that on request of respondents, he has provided them the key of chamber and respondents have also committed theft of 8 energy severs of Philips company and one drill machine. Complainant has claimed Rs.100000/- as damages and Rs.20000/- as litigation charges from respondents.

2. Summons were sent to the respondents through registered post and courier company TCS but they refused to receive the notices of this court and no one appeared on behalf of the respondents where upon ex-parte proceedings were taken against them.

3. In ex-parte evidence, complainant has submitted affidavit besides receipt of purchase of material Exh. "P2" and certificate of counsel fee as Exh. "P6". Complainant in the affidavit has supported the complaint. He has also not been cross examined and also nothing is available on the record in rebuttal. Through receipt Exh. "P2" it is being established that complainant has purchased material worth of Rs.6016/- which according to the complainant has been destroyed as it was not used by the respondents within time. His contention regarding payment of Rs.1800/- has also remained unchallenged. Regarding counsel fee, certificate of his counsel Babar Jameel

Advocate Exh. "P6" is available on record. Complainant is declared entitled for recovery of above said amount from respondents as allegation of providing defective service is being proved against respondents. Although complainant has claimed Rs.100000/- as damages but in this regard no evidence has been produced. As per relevant law a Consumer could be declared entitled for damages for the loss actually he has suffered. As no evidence has been produced in this regard, hence said prayed is declined.

4. In view of stated above, respondents are directed to pay Rs.17816/- within 30 days of announcement of this judgment. File be consigned to record room after its due completion.

**Announced:**

13-09-11

**(MUHAMMAD YOUSAF)**

Presiding Officer  
District Consumer Court,  
Gujranwala.

Certified that this judgment is consisting of two pages, which have been dictated corrected and signed by me.

13-09-11

**(MUHAMMAD YOUSAF)**

Presiding Officer  
District Consumer Court,  
Gujranwala.