

District Narowal

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

Case No. 14 /2007

Date of Institution: 29-10-2007.

Date of Decision: 21-01-2008.

Imtiaz Ahmad Batalvi VS M/S Pepsi Cola, etc.

Present;-

Learned counsel for the complainant.

Learned counsel for the respondents.

Mr. Navid Bhatti Advocate has also placed his waklatnama on behalf of respondent NO. 06

Preliminary arguments on the issue of limitation , at the instance of learned counsel for the complainant heard.

The brief facts of the matter, in short are that complainant purchased 1.5 liter Pepsi Cola on 19.9.2007 from respondent No. 06 along with three small size Colas to serve guests at his house, but at the time of service ed to his guests he found disputed bottles defective on ground of adulteration of dust and insect therein, as a result of which those were not served to the guests and he sustained mental torture and shock, culminating into filing of this complaint before this court on 20-11-2007 i.e after 61 days of the purchase of the articles. Alongwith the complaint an application under section 28(4) PCP Act 2005, for the claim of condonation of delay was also filed while stating therein that complainant remain ed busy in making the arrangements of marriage of his sister and delay was out of his control.

After the institution of this complaint this court directed the addressing of preliminary arguments on delay.

After having heard the learned counsel for complainant and gone through the record, it is crystal clear that complainant was bound to explain each and every date for claiming the condonation of delay with plausible explanation, but simple stating that he remained busy in making the arrangement of marriage of his sister, is not mention of any specific date as to whether it was to a occasion after two months or 15 days or on which of the date. Of course the complainant had miserably failed to render any plausible explanation for seeking condonation of delay as required by law of limitation as well as pronouncement rendered by the Superior Courts of Pakistan time and again. Hence finding g no substance in the request of condonation of delay the application for request of condonation of delay alongwith complaint being hopelessly time barred, are hereby dismissed with no order as to costs. The case property i.e Soda Water will be wasted after expiry of period of appeal/revision and there after cost of empty bottle will be deposited in the State Treasury. File be consigned to the record room.

21-01-2008.

Presiding Officer
District Consumer Court
Sialkot/Narowal.

