

**IN THE COURT OF MAZHAR HUSSAIN CHAUDHRY
PRESIDING OFFICER DISTRICT CONSUMER
COURT, GUJRANWALA
Case No.92/10**

Date of institution : 04-05-10.

Date of decision : 09-12-10.

Muhammad Ilyas S/o Maraj Din R/o Mohallah Faisalabad, Street No.4, Gujranwala.
(Complainant)

Vs.

Muhammad Naeem proprietor Baba Sweet and Bakers Near Din Plaza, G.T Road,
Gujranwala. (Respondent)

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

EXPARTE JUDGMENT:

1. The complainant has filed the instant complaint against the respondent stating that he is a law graduate and carrying cloth business and law abiding citizen. He further stated that on 19-04-10 he went to respondent's shop and purchased bread after paying Rs.50 for his breakfast but respondent did not issue the receipt despite of his repeated demands and on the next day when it was taken for the preparation of breakfast then it came to his knowledge that it was decayed with fungus and not fit for use and his daughter felt pain in stomach after taking her breakfast. On 20-04-10 he went to the respondent to launch his protest for providing him defective bread but respondent did not receive back the defective bread and misbehaved with him alongwith his employees. He sent a legal notice through his counsel but the respondent did not respond to it. In addition to this he has stated that respondent is liable for not mentioning the date of manufacturing and date of expiry and ingredients on the packing which is clearly violation of section 11 of Punjab Consumer Protection Act, 2005. He claimed compensation, fine alongwith the fee of counsel and also punishment against the respondent.

2. The respondent was proceeded exparte but subsequently an application for setting aside exparte proceedings was moved which was accepted due to non objection of counsel for the complainant but subsequently again

respondent disappeared from the Court upon which exparte proceedings were initiated against him and case was fixed for exparte evidence.

3. In exparte evidence complainant appeared as PW1 and reiterated the same facts as mentioned in the complaint and produced photographs as Exh. "PA", "PB" and postal receipt as Exh. "PC". He also produced a wrapper of bread mark "A" and copy of legal notice as mark "B" in his support.

4. In view of the exparte proceedings statement of complainant on oath alongwith documentary evidence against the respondent. I have left with no option except to believe version of complainant as there is no rebuttal on file, therefore, I hold that complainant is entitled to get relief from this Court.

5. Before parting of this order I would like to observe that respondent failed to perform his duty of disclosure as required by section 11 of Punjab Consumer Protection Act, 2005 by not disclosing the components parts, ingredients, quality, date of manufacturing and date of expiry of bread which is material to decision of consumer to enter into a contract of sale, therefore, in these circumstances, Govt. of the Punjab Industries Department is directed to ensure the compliance of section 11 of Punjab Consumer Protection Act, 2005 in the whole province regarding like products in hand within 2 months of receiving this order under intimation to this Court.

6. The consequent upon my above observation and finding, the complaint is partially accepted in the following terms that:-

1. The respondent is liable to return Rs.50/- as price of defective bread.
2. That the respondent is also liable to pay Rs.5000/- as compensation and damages to cause embarrassment to the complainant by providing defective and substandard bread.
3. The respondent is also liable to pay Rs.5000/- as legal expenses to the complainant including counsel fee.

4. The respondent is also liable to pay Rs.10000/- as a fine for providing defective product and defective services which shall be deposited in the state treasury.
5. The complaint is rejected to the extent of remaining claim.

The respondent would be liable to pay all above payment, within 30 days of announcement of this judgment without fail. The Registrar of this Court is directed to send a copy of order to the Secretary, Govt. of the Punjab Industries Department Lahore for its compliance.

Announced:

09-12-10

(Mazhar Hussain Chaudhry)
PRESIDING OFFICER
District Consumer Court,
Gujranwala

Certified that this judgment is consist upon three pages, which have been dictated, corrected and singed by me.

09-12-10

(Mazhar Hussain Chaudhry)
PRESIDING OFFICER
District Consumer Court,
Gujranwala