

**IN THE COURT OF PERVEZ IQBAL SIPRA,  
DISTRICT & SESSIONS JUDGE / PRESIDING OFFICER,  
DISTRICT CONSUMER COURT,  
FAISALABAD.**

Complaint No                    383/2016  
Date of institution            10.10.2016  
Date of decision                28.03.2017.

Muhammad Tayyab S/o Sardar Muhammad R/o P-30, Ahmad Street, Khiaban Colony No.1, Faisalabad.

**Versus**

1. Zahid Ali Dogar, Al-Sadiq Cargo Service Saifabad near Niyab Jhanda Street, Jhang Road, Faisalabad.
2. Sadiq Goods Transport Company Registered, 8 Meu Hospital Near Newspaper Market, Lahore through proprietor Mobeen Butt.

**Claim u/s 25 of the Punjab Consumers Protection Act, 2005.**

**ORDER:**

The facts giving rise to this complaint are that on 19.10.2015, the claimant handed over eighteen cartons containing medicine to defendant No.1 vide Bilty No.2678, for delivery at Lahore to Afzal Sathi. Afzal Sathi when received the consignment, it contained thirteen cartons which were liquid damage and five were not delivered at all. Defendant No.2 told that the remaining five cartons would be delivered lateron, the price of which was Rs.70,000/-. In the respect, the claimant contacted with defendant No.1 and complained about the damage to thirteen cartons which had been delivered and the loss of five cartons. Defendant No.1 promised that he would search for five cartons otherwise would pay Rs.1,00,000/-. The claimant repeatedly visited the office of defendant No.1 but he always adopted evasive conduct and ultimately, on 20.09.2016, denied to redress his grievance. He gave notice u/s 28 (1) of the Punjab Consumers Protection Act, 2005, to

the defendants on 21.09.2016, but of no reply, hence, the instant complaint.

2. The summons were issued to the defendants through the process server and registered post but they could not be served. Ultimately, the summons was got published in the newspaper “Daily Dunia”, but despite all it, the defendants did not appear before the court and consequently, were proceeded against ex-parte.

3. The ex-parte evidence of the claimant has been collected.

4. Arguments heard, record perused.

5. The claimant while appearing before the court as PW-1 reiterated the contents of the complaint. The receipts of post office Ex-P3 & Ex-P4 show that the claimant sent envelopes stately containing notices, to the defendants. The photocopy of notice u/s 28 (1) of the Punjab Consumers Protection Act, 2005 is Mark P/A. The receipt Ex-P2 shows that the claimant handed over eighteen cartons to defendant No.1. Muhammad Afzal PW2 through his affidavit Ex-P7 supported the version of the claimant. The claimant stated that the defendants promised to deliver lost cartons but lateron, refused to redress his grievance. There is no evidence on record in rebuttal, therefore, the court has no option but for accepting the ex-parte evidence of the claimant as true. So far as the damage to the thirteen cartons is concerned, no expert evidence has been produced before the court and even such damaged product also has not been brought before the court, hence, to this extent, the

version of the claimant is refuted. In respect to five cartons which stately were lost, it was for the defendants to deliver the cartons at Lahore. They misplaced the cartons and now are responsible for compensating the claimant for that. The price of lost cartons is stately is Rs.70,000/-. Hence, the complaint in hand is accepted and the defendants are directed to pay Rs.70,000/- as price of five cartons, to the claimant. Section 15 of the Punjab Consumers Protection Act, 2005, restricts to grant damages, where the consumer has not suffered any damage from the provision of service except lack of benefit, therefore, he is not entitled to damages, however he is held entitled to costs amounting to Rs.10,000/- incurred on legal proceedings. The defendants are directed to comply with this order and if they fail to comply with this order, the proceedings u/s 32 (2) of the Punjab Consumers Protection Act, 2005 will be initiated against them. The Registrar of this court is directed to send a copy of this order to the defendants free of costs and the receipt thereof be ensured and got acknowledged. After due completion, the file be consigned to the record room.

**Announced**  
**28.03.2017**

**(Pervez Iqbal Sipra)**  
District & Sessions Judge/  
Presiding Officer,  
District Consumer Court, Faisalabad.

Certified that this order consists of three pages and each page has been dictated, read, corrected and signed by me.

**Dated**  
**28.03.2017**

Presiding Officer,  
District Consumer Court, Faisalabad.

**Short Order**

**Present:-**

**The learned counsel for the claimant.**

**ORDER**

Arguments heard.

2. Vide order dated even passed in English separately, the complaint in hand is accepted and the defendants are directed to pay Rs.70,000/- as price of five cartons, to the claimant and also to pay Rs.10,000/- as costs incurred on the legal proceedings. After due completion, the file be consigned to the record room.

**Announced**  
**28.03.2017**

**(Pervez Iqbal Sipra)**  
District & Sessions Judge/  
Presiding Officer,  
District Consumer Court, Faisalabad.