

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

Complaint No                      37/2016  
Date of institution              04.02.2016  
Date of decision                 17.03.2017.

Muhammad Yaqoob S/o Abdul Islam R/o P-148, Valinshia Garden,  
Faisalabad.

**Versus**

1. Bisharat Ali, Allah Hoo Steel Works near Masjid Haji Nawaz Wali, Barkat Pura, Hilal Road, Faisalabad.
2. Jahangir Shah, Allah Hoo Steel Works near Masjid Haji Nawaz Wali, Barkat Pura, Hilal Road, Faisalabad.

**Claim u/s 25/28 of the Punjab Consumers Protection Act, 2005.**

**ORDER:**

The facts giving rise to this complaint are that the claimant intended to get iron grill fixed at his house and contacted with the defendants for the purpose on 13.12.2015 at their shop. He asked them for iron grill and they showed him some samples. He finalized the grill of a batter sample and asked the defendants to fix at his house. It was settled that the consideration for fitting the grill would be Rs.30,000/-. He paid Rs.15,000/- to the defendants as advance money and they were to fix the grill after 23.12.2015 but they did not make fitting. The remaining consideration amounting to Rs.15,000/- was paid on 26.12.2015. In his absence, on 07.01.2016, the defendants fixed the grill at his house. The grill of defective material was installed and the fitting was also not in order. He made a complaint to the defendants but they adopted evasive conduct to redress his grievance and ultimately, denied. He gave notices to the defendants u/s 28 (1) of the Punjab Consumers Protection Act, 2005, but no reply, hence, the instant complaint.

2. The defendants were summoned through the process server and registered post but despite service they did not appear before the court and consequently, were proceeded against ex-parte and the claimant was asked to produced the evidence. The defendants on 28.09.2016 submitted an application for setting aside the ex-parte proceedings and the written reply of that was filed by the claimant. After hearing arguments, vide order dated 02.03.2017, the application for setting aside the ex-parte proceedings was dismissed and the date 16.03.2017 was fixed for the claimant's evidence and the defendants were also asked that they might join the proceedings from the stage. On 16.03.2017, no one appeared before the court on behalf of the defendants and the ex-parte evidence of the claimant was recorded.

3. Arguments heard, record perused.

4. The claimant entered into the witness box as PW1 and submitted his affidavit Ex-P1, whereby he swore all the facts which had been mentioned in the complaint. Muhammad Ashraf PW2 through his affidavit Ex-P4 supported the version of the claimant. The receipts of post office Ex-P2 & Ex-P3 show that on 15.01.2016, the envelopes were posted stately containing notices. The photocopies of notices stately sent to the defendants are Mark P/A & Mark P/B. From the evidence available on file, it convinces that the claimant asked the defendants for fitting iron grill at his house and the consideration was fixed Rs.30,000/-. He paid the amount and the defendants fixed the grill in his absence. They fixed the grill of defective material and that the fitting was also not in

order. There is no evidence on record in rebuttal, hence the court has no option but for accepting the claimant's evidence as true. Hence, the complaint in hand is accepted and the defendants are directed to return the consideration amounting to Rs.30,000/- which they received from the claimant and remove the grill from the claimant's house which they fixed. Section 10 of the Punjab Consumers Protection Act, 2005, restricts to grant damages, where the consumer has not suffered any damage from the product except the loss of utility. The claimant only suffered the loss of utility and no further damage was caused, 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**  
**17.03.2017**

**(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**  
**17.03.2017**

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 return the consideration amounting to Rs.30,000/- which they received from the claimant and remove the grill from the claimant's house which they fixed and to also pay Rs.10,000/- as costs incurred on the legal proceedings. After due completion, the file be consigned to the record room.

**Announced**  
**17.03.2017**

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