

**IN THE COURT OF KHALID MAHMOOD MALIK, DISTRICT &
SESSIONS JUDGE/PRESIDING OFFICER DISTRICT CONSUMER
COURT SARGODHA.**

**Case No. 10/2007
Date of Institution 22.11.2007
Date of decision 10.12.2007**

Mian Ghulam Qadeer s/o Sadiq Din
r/o Chak No.37/NB, Sargodha
(Complainant)

Versus

Zia-ul-Hassan,
Unique Computers and Software Shop No.116, Trust Plaza, Sargodha
(Respondent)

J U D G M E N T
10.12.2007

Mian Ghulam Qadeer petitioner/claimant has filed a petition/claim against respondent for recovery of Computer alongwith damages of Rs, 20000/- due to mental torture and financial loss.

The case of the petitioner is that he is a resident of Chak No.37/NB Sargodha and an advocate by profession in District Courts, Sargodha; Respondent is running his business of Compute hard & soft ware and uses to sell Computer, accessories, equipments of Computer; He also provides services in this regard; The petitioner had entrusted one Computer valuing Rs, 10000/- to the respondent for its repairing; The data relating to law and cases was already saved in his Computer; The petitioner had full confidence on the respondent; After one week when he visited the shop of the respondent to receive his Computer; the respondent lingered on the matter by one or other pretext; Ultimately respondent told the petitioner that he had sold his computer and he would give another Computer to the petitioner as its substitute within one week; Subsequently he refused to give the Computer to the petitioner; The petitioner had sent legal notice through registered AD but respondent did not reply it; Petitioner had prayed that the Computer valuing Rs, 10000/- along with damages of Rs, 20000/- be awarded to petitioner.

The respondent was summoned who in spite of service did not appear before this court, therefore, ex-parte proceedings were initiated against him. The petition/claim is silent that petitioner had hired services for consideration even today petitioner has got record his statement in which he deposed that he wants to file suit for recovery of damages and Computer in civil court and he be permitted to withdraw his petition/claim and his claim be dismissed as withdrawn.

In the above circumstances case of the petitioner falls within jurisdiction of ordinary court and not within scope of Punjab Consumer Protection Act, 2005. Therefore, petition/claim in hand is hereby dismissed as withdrawn,

however, petitioner may file the case of recovery of computer or damages in ordinary court in accordance with law if so advised. File be consigned to record room after due completion.

Announced
10.12.2007

Sd/-
(Khalid Mahmood Malik)
Presiding officer
District Consumer court,
Sargodha