

**IN THE COURT OF EJAZ AHMAD BUTTAR  
DISTRICT & SESSIONS JUDGE / PRESIDING OFFICER,  
DISTRICT CONSUMER COURT,  
FAISALABAD.**

Complaint No                    1432/10  
Date of institution            19-4-10  
Date of decision              30-11-10

Mohsin Farooq      Vs.    Abdul Khaliq etc.

Complaint under Punjab Consumer Protection Act 2005.

**EX-PARTE ORDER**

Present: - Petitioner in person. Respondent are ex-parte.

Brief facts of the case are that on 13-11-06 petitioner purchased 5 marla plot No.16/F1 situated in FDA City (housing scheme) on payment of Rs.3,25,000/- from Muhammad Hussain of Chak No.119 JB (Faisalabad) through respondent No.1. First the petitioner was allocated 5 marla land on 4-5-07 but then he was allotted suit plot No.16/F1 measuring 5 marla in FDA City. But respondent No.2 in disregard of their commitment allotted another plot No.450 Block E/6 and also demanded from petitioner to pay development charges. After probing into the matter, petitioner came to know that suit plot No.16/F1 was wrongly substituted by the FDA authority with plot No.450 E/6. In this way, the respondents allegedly did not provide proper service to the petitioner, therefore, the latter demanded from them to redress his grievance. He also issued legal notice dated 3-4-10 but the respondents still did not respond, hence this petition.

2.                 Respondents contested the petition by filing separate written statements. On 19-7-10, parties were granted time to effect compromise but thereafter, the respondents did not appear and were proceeded ex-parte on 25-10-10.

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3. Petitioner appeared as PW-1 and also placed on record his sworn affidavit EX-P1 and documentary evidence i.e. copy of legal notices EX-P2 / P3, postal receipts EX-P4 to Ex-P5, receipt issued by FDA City housing scheme EX-P6, allotment letter of plot Ex-P7, Exemption letter Ex-P8 and copy of exemption letter Mark 'A', in support of his claim.

4. As already stated, petitioner's evidence goes unchallenged by the respondent due to ex-parte proceedings, therefore, the petition is accepted ex-parte to the extent that respondent would own their allotment letter with regard suit plot No.16/F1 subject to payment of any outstanding dues / charges, respondent shall also pay compensation / damages of Rs.10,000/- for causing mental / physical discomfort to the petitioner and Rs.5000/- as litigation expenses. Petitioner's remaining claim is however dismissed. After due completion, file be consigned to record room.

Announced  
30-11-10

Ejaz Ahmad Buttar,  
District & Sessions Judge/  
Presiding Officer,  
District Consumer Court, Faisalabad.

Certified that this order consists of two pages which have been corrected and signed by me.

Announced  
30-11-10.

Presiding Officer,  
District Consumer Court, Faisalabad.