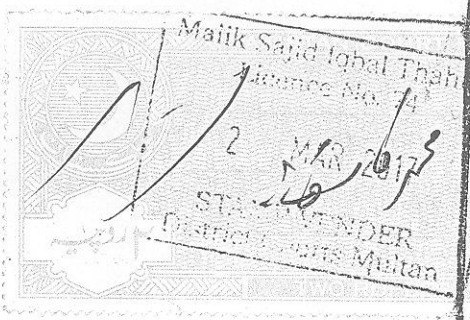


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2017



Received at 10:30 AM on 21/6/17

First date of Pre. Hearing 21/6/17

Registrar
District Consumer Court
Multan.

محمد عظیم شہزاد
ناظم ذریعہ

درخواست اور ڈیمان

درخواست عشوقی کا روائی یکطرفہ مورخہ 08/02/2017
و عشوقی حکم و ڈیمان عدلہ مورخہ 01/03/2017

جناب عدلیہ! سائل / ایس ڈی ٹی صاحب ذیل درخواست ہے۔

① یہ کہ درخواست بعنوان باپ عبدالعزیز صاحب میں زیر سماعت ہے جس میں مورخہ پیشی برائے ادائیگی زر ڈین معمر ہے۔

② یہ کہ استغاثہ زیر دفعہ 25 کنڈیکٹوریٹ و پبلسیشن ایکٹ 2002 کے تحت دائر ہوا۔ جس میں سائل / ایس ڈی ٹی پیشی معمر معمرہ عدلہ کے اثاثہ خاندان جناب میں حافتر ہوا۔ اور بعد میں سائل اپنے گھر پرانے کھانہ میں عام فروری 2017 میں بہترین ملک مسعودی خریدیں چلائے لیکن بعد اس سائل کے ساتھ کونسل نے بی بی ایم استغاثہ زیر دفعہ 25 پر متصرف سائل ایس ڈی ٹی خازن ایس ڈی ٹی ہے۔

③ یہ کہ عام اپریل 2017 میں سائل / ایس ڈی ٹی عدلہ صاحبہ کے پاس سے ایک عدلہ لکھنے کے صلے میں سائل کے عدلہ معمر و عدلہ میں اور سائل کے عدلہ معمر نے سائل کے گھر پر عدلہ جناب میں حافتر ہوا۔ بین دیا کہ سائل بہترین ملک مسعودی خریدیں۔ لہذا جسے اس میں آئے گئے عدلہ جناب۔ جس میں کونسل

④ یہ کہ عدلہ جناب نے عدلہ معمر کے عدلہ استغاثہ زیر دفعہ 25 عدلہ جناب میں زیر سماعت جو کہ مورخہ 03/01/2017 کی برصغیر سائل یکطرفہ ڈیمان

Present: The learned counsel for the petitioner. The learned counsel for the complainant / respondent.

Arguments of learned counsel for the complainant / respondent have been heard whereas the learned counsel for the petitioner has requested to adjourn the case for arguments.

In view of the matter, the case is adjourned for arguments of learned counsel for the petitioner on 28.02.2018.

Announced
22.02.2018

(Judge Mian Abdul Ghaffar)
District & Sessions Judge/Presiding Officer,
District Consumer Court,
Multan.

Order:
28.02.2018

Present: The learned counsel for the petitioner. The learned counsel for the complainant / respondent.

An application for setting aside ex-parte order dated 08.02.2017 along with setting aside ex-parte decree order dated 01.03.2018 with application of condonation of delay under section 5 of limitation act has been moved the petitioner / respondent through Muhammad Kashif (Fatima Zari Center) with the contention that the petitioner in connection with business affairs went to Saudi Arabia and his counsel informed him that the instant complaint had been dismissed when he returned from aboard, he came to know the factum of the acceptance of the complaint. It is matter of the right of the petitioner that the petition be allowed and matter be decided on merits. This petition has been contested by the complainant / respondent with the contention that the petitioner / respondent has not come to the court with clean hand and despite attending the court, the petitioner / respondent absented himself. The petitioner / respondent attended the court on

Judge MIAN ABDUL GHAFFAR
District & Sessions Judge/
Presiding Officer,
District Consumer Court,
Multan

02.03.2016 and on 14.03.2016, power of attorney was submitted on behalf of petitioner / respondent and on 21.03.2016, the reply of the complaint was also submitted and after that the petitioner / respondent absented himself as he has not come to the court with clean hand, therefore, this petition be dismissed.

The learned counsel for the petitioner has argued that the petitioner had gone to Saudi Arabia and could not attend the court, therefore, the same be allowed. The application for condonation of delay has also been submitted on the ground that this court is competent to extend the time.

The learned counsel for the complainant / respondent opposed the same and stated that the petition is time-barred and despite having knowledge of the pendency of the complaint, the petitioner / respondent himself absented and this is effort on the part of the petitioner / respondent to prolong the proceedings of petition under section 32 (2) of the Punjab Consumer Protection Act, 2005 filed by the complainant and prayed that this application be dismissed and he further argued that section 5 of Limitation Act is not applicable on such like cases which are governed by the Special Law. He produced 2014 CLR 487 and PLD 2013 Lahore 468.

Judge MIAH ABUL CHAFFAR
Sisrict & Sessions Judge
Presiding Officer,
District Consumer Court,
Multan

The perusal of record reveals that after filing of the complaint by the present respondent Muhammad Umair Usman, the petitioner himself appeared on 02.03.2016 and on 14.03.2016 power of attorney was filed and the matter kept on adjourning one or other reasons and ultimately, on 16.05.2016 ex-parte proceedings were initiated against the petitioner for non-prosecution and on 06.06.2016 an application


Fatima Zari Center

Vs

M. Umair Usman.

for setting aside ex-parte proceedings against the respondent was submitted, the reply of said application was submitted and the application was allowed by this court subject to payment of costs of Rs. 500/- but again on 08.02.2016, the petitioner again absented himself and ex-parte evidence was produced by the complainant / present respondent and the complaint was allowed. The perusal of order sheet reveals that the conduct of the petitioner remained throughout indifferent and causal and he played hide & seek with the court. This also shows that further effort has been made to prolong the proceedings of this court. Further that there is no proof of visit to the abroad even otherwise in view of the esteemed citations referred above, section 5 of Limitation Act is not applicable in stricto-senso in cases governed by the Consumer Protection Act 2005. In these circumstances, the petition has got no force and the instant petition filed by the petitioner is accordingly dismissed. File be consigned to the record-room after its due completion.

Announced
28.02.2018


(Judge Mian Abdul Ghaffar)
District & Sessions Judge/Presiding Officer,
District Consumer Court,
Multan.