IN THE COURT OF SHAUKAT KAMAL DAR DISTRICT & SESSIONS JUDGE/PRESIDING OFFICER, DISTRICT CONSUMER COURT, SIALKOT/NAROWAL.

Case No.65/2018
(Dated of Institution: 26-09-2018)
(Dated of Decision: 18-06-2019)

Muhammad Saghir S/O Muhammad Siddque Caste Gujjar R/O Puli Top Khana Sialkot.

(Complainant)

Versus.

Muhammad Rizwan (Proprietor) Muhammad Rizwan Ceiling Center Chalk Mandhar opposite Bagh Madina Mosque Chalk Mandhar Sialkot.

(Respondent)

Complaint U.Sec 25 of the Punjab Consumer Protection Act, 2005

Judgment:

Brief facts necessary to dispose of this complaint as alleged are that on 15-08-2016, the complainant Muhammad Saghir got installed ceiling of his office from the defendant against Rs. 40,000/- who provided 20 year warranty but after even 14 months the ceiling started to fall. The complainant informed the defendant, who promised to repair it but later on denied, due to his act the complainant had to suffer mental agony and become sick and had to bear Rs. 50000/- expenses on his treatment. Furthermore, due to falling ceiling scrap the internet devices of valuing Rs. 200000/- at the office of the complainant also spoiled. Due to the defective and substandard ceiling of the defendant complainant is entitle to receive total damages Rs. 10,15000/- with details as under:-

i	Damages	Rs. 1000000/-
ii	counsel fee	Rs. 15000/-
	Total	Rs. 10,15000/-

02. The complainant sent a legal notice to the defendant on 01-09-2018 but he did not respond, hence, this complaint.

District & Sessions Judge/Presiding Officer District Consumer Court Sialkot/Narowal
18/6/2019

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03. For the service of the defendant, summon was issued through registered post as well as messenger of this Court and as per report Exh-PAA and statement of messenger of this Court dated 26-11-2018 he was served personally but defendant did not bother to appear before the Court, hence he was proceeded against ex-parte vide order dated 2911-2018 and ex-parte evidence of the complainant was summoned.

04. In order to substantiate his claim, the complainant Muhammad Saghir himself appeared in the witness box as AW.1 and produced his affidavit as Exh-P.A in which he mentioned the same facts which have been alleged by him in the complaint. To corroborate the statement of the complainant Muhammad Qayyum appeared as AW.2 and produced his affidavit Exh-PC. In documentary evidence complainant produced original post receipt Exh-PB copy of legal notice Mark-A and closed his evidence.

05. Ex-parte arguments heard & record perused.

06. Admittedly, the defective ceiling was got installed by the complainant on 15-05-2016, whereas, it started falling within 14 months, meaning thereby cause of action aroused on 15-10-2017, whereas, the instant complaint had been filed on 26-09-2018 after the delay of 10 months and 11 days but no application is filed for condonation of delay. As the instant complaint is badly time barred, therefore, same is hereby dismissed and there is no need to discuss the merits of this case. File be consigned to the record room after its due completion.

Shaukat Kamal Dar 18/6/2019
Presiding Officer,
District Consumer Court
Sialkot/Narowal.

Announced:
18-06-2019.

CERTIFICATE

Certified that this judgment contains 02 pages and each of pages is dictated, corrected and signed by me.

Shaukat Kamal Dar 18/6/2019
Presiding Officer,
District Consumer Court
Sialkot/Narowal

Announced:
18-06-2019.

PRESIDING OFFICER DISTRICT CONSUMER COURT SIALKOT / NAROWAL
مہر عدالت
پریزائیڈنگ آفیسر
ضلعی عدالت صارفین
سیالکوٹ / نارووال

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