

**In The Court Of Syed Maruf Ahmedali Presiding Officer  
District & Sessions Judge District Consumer Court  
Lahore.**

**Muhammad Shahid V/S Pakistan Post**

**Order.**

The Complainant Muhammad Shahid has filed a Complaint under the Punjab Consumer Protection Act 2005 for damages and compensation amounting to Rs.200000/-against the Respondents Pakistan Post.

2            Brief facts, according to the Complaint are that the Complainant posted a article through the Pakistan Post (Express Post Service) from G.P.O Lahore on 20.11.2007 for U.K addressed to Nadeem Afzal resident of 18-Darfield Street, Leeds United Kingdom (U.K) It is alleged that the recipient did not receive the Postal article until 25.01.2008.. It is further alleged that due to inefficiency and negligence on the part of the Respondent, the Complainant has suffered mental and pecuniary loss. There after the Complainant served a Legal Notice to the Respondent. No reply was received by the Complainant Hence this Complaint.

3            The Respondents were summoned who contested the claim through their Written Statement. The Complainant in order to prove his case appeared in the Witness Box as PW-1 and produced Postal Receipt Ex-P/1 and Mark A. On the other hand Dr. Muhammad Akram Nawaz (APMG) appeared on behalf of the Respondent as RW-1 and produced documents Mark R/1 to Mark R/4 and Receipt Ex-C/1.

4               It is contended by complainant that it is an admitted fact that the article did not reach the recipient and it was lost and therefore no further evidence is required. The Complainant has suffered mental as well as pecuniary loss as the valuable document was in the envelope which could not be received by the recipient in time and he also suffered monetary loss. He has further contended that he is entitled to compensation and damages amounting to Rs. 200000/- and refund of the Postal charges amounting to Rs. 1208/-and has prayed that his Complaint be accepted.

5               On the other hand, the counsel for the Respondent has contended that the Complaint is barred by time. He has further contended that the Complainant has no cause of action as they are ready and willing to pay the compensation amounting to 30 SDR as provided in the Postal Laws. The Respondent has not been properly sued and the Complaint is hit by non-joinder and mis-joinder of necessary parties. He has further contended that this case has been filed to blackmail and harass the Respondent. He has further contended that the Complainant has failed to prove the damages and he is not entitled to the same under Section 15 of the Punjab Consumer Protection Act 2005 and has prayed that this Complaint be dismissed.

6               After hearing the arguments of both the learned counsel for the Parties and perusing the record. As far as the objection of Limitation is concerned, according to Section 28 Sub Section (4) of the Punjab Consumer Protection Act 2005 “A claim by the Consumer or the authority shall be filed within 30 days of the arising of the cause of action”. Proviso-2 of Section 28(4) of the Act *ibid* says:“ that such extension shall not be allowed beyond a period of sixty days from the expiry of warranty or guarantee period specified by the manufacturer or service

provider and if no period is specified one year from the date of purchase of the product or providing of service”. The article was posted by the Complainant on 20.11.2007 and he came to know on 25.01.2008 that the article has not been received by the recipient. This Complaint was filed by the Complainant on 26.03.2008 therefore; under Proviso-1 and 2 of Section 28(4) of the Act *ibid*, the claim has been filed well within time, as the Complainant has a recurring cause of action. Under the law a Claim or Suit should not fail due to mis-joinder and non-joinder of necessary parties. The Director General (DG) Pakistan Post is Respondent No.1 and has been properly sued. The other three Respondents are proper parties.

7               The Complainant has appeared in the Witness Box as PW-1 and had Exhibited Postal Receipt Ex-P/1 which has not been denied by the Respondent during cross examination. The Complainant has admitted that he had not mentioned the exact amount of damages in his Complaint and has not specifically mentioned the document which he had dispatched through Post and he also did not suffer any personal loss. He has also admitted that he has not applied for the compensation under the Postal Rules. RW-1 Dr. Muhammad Akram Nawaz APMG who has appeared on behalf of the Respondent has admitted that the article was lost which was mailed by the Respondent through Speed Postal Service. He has also admitted that they are liable to pay compensation, if the booked article is lost and they are bound to pay 30 SDR.

8               According to the evidence on record, the loss of the Letter/article is admitted and compensation amounting to. 30 SDR is also admitted which was offered to the Complainant after filing of this case. Therefore, the Complainant is entitled to compensation amounting to 30 SDR and refund of Rs. 1208/- the Postal charges of the article posted by the Complainant on

20.11.2007 This Complaint is accepted and the Respondent i.e. Pakistan Post through Director General (DG) is burdened with costs amounting to Rs. 5000/- which shall be paid by the Respondent to the Complainant within 10 days from the date of this Order. However the Complainant is not entitled to any damages as he is failed to prove the same as envisaged in Section 15 of the Punjab Consumer Protection Act 2005.

File be consigned to record room after due completion.

**Announced  
30.10.2008**

**Presiding Officer  
District Consumer Court  
Lahore.**

**Certificate**

Certified that this Order consist of Four (4) pages which have been dictated, read, corrected and signed by me.

**Announced  
30.10.2008**

**Presiding Officer  
District Consumer Court  
Lahore.**