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**In the Court of Mr. Muhammad Aslam  
District & Sessions Judge/ Presiding Officer  
District Consumer Court Bahawalnagar**

Complaint No 27/17  
Date of institution 21-09-17  
Date of decision. 25-10-18

**Muhammad Sharif S/o Haji Sultan Mehmood, Caste Watoo R/o near  
DC House, Officers Colony Bahawalnagar.**

V/S

**Sufi Muhammad Zaman, Mistry Muhammad Jehangir alias Makhan  
proprietors of Usama wood works and Jodi, Palla Makers, Jail  
Road, Wood Market, Bahawalnagar.**

**Complaint for grant of refund and  
punishment of the defendants.**

**Order.**

The complainant has filed the present complaint against the defendants with brief contentions that about six months ago the complainant got prepared three doors and one Almirah from the defendants against a consideration of Rs. 1,10,000/- and amount was paid to the defendants. It is stated that defendants assured the complainant regarding their best work and quality of wood but after few time the doors and Almirah became de-shaped. The complainant lodged complainant with the defendants, where the defendants after several requests of the complainant, visited the site and stated that some piece of the wood became defective and demanded more Rs. 4500/- out of which complainant further paid Rs. 3000/- and defendants disjoined the pieces of the Almirah etc but there after despite requests to the defendants, no one came up to repair the same even after receiving the charges for it. Being aggrieved the complainant served legal notice upon the defendants but he did not bother to reply it. Hence this complaint

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2 Perusal of record reveals that after service of the notice issued by this Court, defendant No. 2 Jehangir appeared before this Court in person on 10-10-17 and stated that he is also appearing on behalf of the defendant No. 1 because he is his ustad and he will appear on the next date of hearing and case was adjourned for filing of written statement on behalf of the defendants but thereafter neither any one appeared on behalf of the defendants nor written statement was filed and ultimately their right to file

written statement was closed and they were also proceeded against ex-parte vide order dated 21-11-17.

3 The Complainant in his ex-parte evidence got exhibited his affidavit Ex-P/1, receipt issued by defendants Ex-P/2, defendant's visiting card Ex-P/3, copy of legal notice Mark P/A its postal receipt Ex-P/4 and also produced PW-2 who tendered his affidavit Ex-P/5.

4 Arguments heard: record perused.

5 Complainant submitted affidavit Ex-P/1 to corroborate the contents of this complaint and also produced PW-2 in support of his claim. Receipt made part of the record vide order dated 13-03-18 shows that complainant paid the amount of Rs. 1,10,000/- to the defendants and receipt Ex-P/2 reveals that Rs. 3000/- was also paid to them. Perusal of record shows that defendants appeared before this Court on 10.10-17 and case was adjourned for filing of written statement but despite availing two opportunities for filing of written statement, the defendants failed to file written statement and ultimately disappeared from court proceedings on 21-

11-17 and their right to file written statement was closed and they were also proceeded against ex-parte. The conduct demonstrated by the defendants shows that they deliberately absented themselves from this Court even after appearance before this Court which shows that as a matter of fact conceded the claim of the claimant. Thus evidence led by the complainant against defendants went un-rebutted. So by virtue of ex-parte evidence and conduct: the complainant is successful to prove his version against defendant. Therefore, the complaint is accepted ex-parte against defendants and defendants are directed to pay the actual amount of Rs. 1,13,000/- to the complainant jointly or severally. Since the complainant forced by the un-called behaviour of the defendants to take steps before filing the complaint and afterwards engaged in litigation since more than one year: thus the complainant is also entitled for compensation., damages /litigation costs of Rs. 20,000/-u/s 31 (e.g) of the PCPA 2005. Total complaint is decreed to the extent of Rs. 1,33,000/-

6 The remaining claim of the complainant is on higher side and is also not proved through any cogent and convincing evidence and is hereby

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dismissed. The claim of the complainant is hereby accepted ex-parte in above terms. Costs would follow the event.

7 The Registrar of this Court is directed to send the attested copy of this order to the defendants and ensure the delivery of certified copy to judgment debtors/defendants informing them to pay the above decretal amount within 30-days to the complainant/decreed holder from the date of this order and in case of failing they may be punished with imprisonment for not less than one month which may be extended up to three years or with fine which shall not be less than Rs. 5000/- or both.

After completion, file be consigned to record room.

**Announced**  
25-10-18

*Muhammad Aslam*  
**Muhammad Aslam**  
**D&SJ/Presiding Officer**  
**District Consumer Court Bahawalnagar**

It is certified that this Order consists of three pages which have been dictated, corrected and signed by me.

**Announced**  
25-10-18

*Muhammad Aslam*  
**Presiding Officer**  
**D&SJ/P.O, DCC, Bahawalnagar**