

IN THE COURT OF BAKHT FAKHAR BAHZAD,
DISTRICT & SESSIONS JUDGE/PRESIDING OFFICER,
DISTRICT CONSUMER COURT, GUJRAT

Muhammad Yaqoob S/O Ghulam Hussain, caste, Sapra, R/O Haryawala, Tehsil & District Gujrat.

(Petitioner/Claimant/complainant)

Vs

Riaz S/O Muhammad Nawaz, Caste Landho-kar, R/O Haryawala, Tehsil & District Gujrat.

(Defendant)

ORIGINALCASE NO. 110-2014
 EXECUTION PETITION NO.14-2016
 DATED: 19-07-2016

Present: Muhammad Yaqoob, petitioner in person
 Nemo for the respondent / defendant

EXECUTION PETITION

Order :

1. Petitioner Muhammad Yaqoob filed the complaint/claim under section 25 R / W sec 30 of Punjab Consumer Protection Act, 2005 (herein after referred to as "Act" for brevity) against the defendant and vide order dated 12-12-2016 following relief was granted which is reproduced as under;

"In view of above discussion and observations, it is proved in ex-parte evidence of the claimant that defendant made a defective construction and, therefore, claimant is entitled to compensation from defendant. Defendant is directed to compensate the claimant while making payment of Rs. 1,00,000/-, for loss suffered by him due to negligence of defendant. Come up on 13-01-2015 for execution process after expiry period of appeal."

2. Claimant / execution petitioner triggered the legal machinery into motion by filing the execution, petition being disheveled, distressed and wretched by the conduct of the defendant of not complying with the order above mentioned.

3. I have heard the arguments propounded by the learned counsel for the petitioner and have also gone through the order which is to be executed and have also gone through the relevant provisions of the Act. Section 36 of the Act

is reproduced as under:-

“All agencies of the Government shall act in aid of the Consumer Court in the performance of its functions under this Act.”

4. In view of the provisions of law, the Deputy Commissioner Gujrat / District Collector or nominee of the Collector shall enforce / execute the order dated 12-12-2014 passed by this Court following the procedure and manner in which the arrears of land revenue is to be recovered and the District Collector or nominee of Collector may get assistance of complainant. However for whatever reason the complainant is unable to extend assistance that will not be a ground to refuse to execute / enforce the order. Equally non mentioning of particulars of property shall not be a ground to refuse enforcement of said order and return it back to this court. The Deputy Commissioner/ District Collector or his nominee shall complete the execution / enforcement proceedings within 15 days from receipt of this order.

4. Before parting with this order I am constrained to observe that it is obligation and duty of the Court to have supervisory control over all agencies of government who under section 36 of the Act are bound to act in aid of the Consumer Court in performance of their functions. This order flows from the judicial proceedings as mentioned in the above provisions of Act. Therefore, I have every reason to hope that they shall not refuse to enforce the said order and undue time shall not be taken in the execution and enforcement of order dated 12-12-2014 so as to make order futile and non-est in law. No doubt while execution or enforcement is going on in a manner provided in Land Revenue Act and Rules, the Court will not interfere in said enforcement proceedings and at the same time it would be undesirable by the execution authority to wrongly close the execution of enforcement or avoid or delay execution of enforcement. Copy of this order along with original file of execution be sent to the Deputy Commissioner Gujrat / District Collector forthwith for necessary compliance and who shall return back the original file after completing execution / enforcement proceedings within 15 days under intimation of the Registrar of this Court from the date of receipt of this order and thereafter file shall be consigned to record room. The complainant/petitioner Muhammad Yaqoob is directed to appear before Deputy Commissioner Gujrat/ District Collector whenever he is summoned during the execution proceedings. The petition is

disposed off.

Announced:-10 -04-2017

(BAKHT FAKHAR BAHZAD)
D & S/ Presiding Officer
District Consumer Court Gujrat.

Certificate:-

It is certified that this order consists of two pages and each page has been dictated, read, corrected and signed by me.

Announced:-10 -04-2017

(BAKHT FAKHAR BAHZAD)
D & S/ Presiding Officer
District Consumer Court Gujrat.