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**In the Court of Judge Mian Abdul Ghaffar, District & Sessions Judge /  
Presiding Officer, District Consumer Court, Multan**

**Mr. Mushtaq S/o Niamat Maseeh R/o MDA Housing Scheme Block  
No. 1 Shah Rukne Alam Colony, Multan.**

**(Complainant)**

**Versus**

**1- New HTH Departmental Store through Proprietor Al-Noor Plaza T  
Chowk Shah Rukne Alam Colony, Multan.**

**(Respondent)**

Case No. 266/2015  
Date of Institution 15.12.2015  
Date of decision 18.04.2018

**COMPLAINT UNDER SECTION 25 OF PUNJAB CONSUMER  
PROTECTION ACT, 2005.**

**ORDER:**

1. The complainant brought this complaint with the contention that on 31.10.2015 he purchased from the respondent 01 small bread against Rs. 55 along with other items which was manufactured / prepared and packed by the respondent but when the complainant used the said product, he found that the product in question was no fresh and a strange smell was present and it started vomiting after use of small quantity of said product and the complainant felt stomach pain. On 01.11.2015, the complainant contacted the respondent and made a complaint to the respondent along with remaining defective product but the respondent not only refused to listen the complaint of the complainant and also misbehaved which caused mental and financial loss to the tune of Rs. 100,000/- along with fee of counsel of Rs. 25,000/- and litigation expenditures to the tune of Rs. 5000/- as well as refund of paid amount of Rs. 55/-. The complainant also served legal notice on 07.11.2015 but no reply of the same was given by the respondent. Hence, this complaint be allowed.

(2)

2. Due process for the attendance of the respondent was issued but no one appeared from the side of respondent and after adopting due course of law, ex-parte proceedings was initiated against the respondent.

3. In ex-parte proof of the complainant, the complainant tendered his affidavit EXP-1 and recorded his statement as PW1 wherein the learned counsel for the complainant has produced original purchase receipt EXP-2, original postal receipt about sending of legal notice EXP-3, photocopy of legal notice Mark-A and original fee certificate of counsel EXP-4 and closed ex-parte evidence.

4. The learned counsel for the complainant has argued the case and stated that due to sub-standard, un-healthy and un-hygienic product of the respondent, the complainant suffered mental as well as physical distress. The learned counsel for the complainant has further argued that evidence of the complainant is un-rebutted and the respondent despite having knowledge of the pendency of the complaint has not bothered to appear in the court and prayed that the complaint be allowed.

5. I have carefully gone through the record and of the view that although the cause of action arose / accrued to the complainant on 01.11.2015 but the oral as well as documentary evidence as produced by the complainant is un-rebutted and due process for the attendance of the respondent was issued but no one appeared from the side of respondent. The original purchase receipt EXP-2 shows that the complainant purchased the product from the shop of respondent which was manufactured / prepared / packed by the respondent, copy of legal notice Mark-A as well as original postal receipt about sending of legal notice EXP-3 is also available on the record. The oral evidence as produced by the complainant supports

(3)

the contention of the complainant. Keeping in view this, it is concluded that the complaint is hereby accepted partially and the respondent shall return the price of said product amounting to Rs. 55/- along with compensation of Rs. 5000/- as well as fee of counsel to the tune of Rs. 10,000/- keeping in view of nature and value of commodity. File be consigned to record room after its due completion.

Announced  
18.04.2018

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

### Certificate

Certified that this order consists of three pages and each page has been dictated, read over and signed by me.

Dated:  
18.04.2018

**District & Sessions Judge/Presiding Officer**  
**District Consumer Court,**  
**Multan.**