

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

Navid Asghar Butt Advocate, Sub-Divisional Courts Kharian.

Claimant)

Vs

1. Sage Shoes Store Through Manager Sage Shoes Store Opposite Mian Restaurant, G.T.Road,Kharian, Distt Gujrat.
2. Cashier Sage Shoes Store, Opposite Mian Restaurant, G.T.Road,Kharian, Distt Gujrat.

(Defendants)

Original CASE NO. 151-2015

Execution petition No.02-2017

Dated: 03-03-2017

COMPLAINT UNDER SECTION 30 OF PUNJAB CONSUMER PROTECTION ACT,2005

Order:

1. Petitioner Navid Asghar butt filed the complaint under section 25 of Punjab Consumer Protection Act, 2005 (herein after referred to as "Act" for brevity) against the respondent and vide order dated 03-10-2016 following relief was granted which is reproduced as under;

"In view of above discussion and observations, it is established that complainant has successfully proved his claim in his favour and against the respondents, therefore, complaint in hand is hereby accepted. Keeping in view the circumstances and gravity of the matter, the respondents are directed to pay Rs.100, 000/- to the complainant as price of bricks and litigation expenses. File be consigned to record room after necessary compilation."

2. Skipping expatiation of story narrated by the petitioner in his complaint, vignette of facts has unveiled that the respondent is not complying with the order above mentioned feeling disgruntled from the conduct of the respondent not complying with the order passed by this court, petitioner has filed the instant petition for execution of above mentioned order.

3. I have heard arguments advanced by learned counsel for the petitioner and also gone through 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 order dated 03-10-2016 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 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 consumer court in performance of his function. 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 03-10-2016 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 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 and thereafter file shall be consigned to record room. The complainant/petitioner Navid Asghr Butt is directed to appear before Deputy Commissioner Gujrat/ District Collector whenever he is summoned during the execution proceedings. The petition is disposed of.

Announced: 04 -04-2017

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

Certificate:-

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

Announced: 04 -04-2017

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