

**IN THE COURT OF PERVEZ IQBAL SIPRA,  
DISTRICT & SESSIONS JUDGE / PRESIDING OFFICER,  
DISTRICT CONSUMER COURT,  
FAISALABAD.**

Complaint No	124/2018
Date of institution	10.05.2018
Date of decision	03.07.2018.

Noshare Ali Khan S/o Rustam Khan R/o Chak No.409 GB,  
Faisalabad.

**Versus**

Shahzad Naseem (Naseem Akram Seeds & Oil Store) Shop  
No.P-143, Ghala Mandi, Tandlianwala, Faisalabad.

**Claim u/s 25 of the Punjab Consumer Protection Act, 2005.**

**ORDER:**

By filing this claim, the claimant has contended that he purchased “Barseem” seeds from the defendant on 06.11.2017, weighing 24 kg, for Rs.6960/-. The defendant while selling the seeds, said that the “Barseem” seeds was “Kala Dasi” and the crop would give production till “jaith / har”. He being satisfied from the assurance of the defendant, sowed the seeds but the crop did not give production till the time narrated by the defendant. The crop stopped to give production in April 2018 and because of it, he suffered a lot and his loss was approximately Rs.2,50,000/-. As the defendant sold defective seeds to him, he is to be punished and he may be awarded damages for it. He gave notice u/s 28 (1) of the Punjab Consumer Protection Act, 2005, but of no avail, hence, the instant complaint.

2. The summons was issued to the defendant through the process server and registered post but he could not be served. Ultimately, the summons was got published in the newspaper “Daily, Jahan Numa” Faisalabad, but despite all it, he did not

appear before the court and consequently, was proceeded against ex-parte and then the ex-parte evidence of the claimant was recorded.

3. The claimant himself entered into the witness box as PW1 and also examined Muhammad Ramzan and Nasir Hussain PW2 & PW3. They submitted their affidavit Ex-P1, Ex-P4 and Ex-P5. The claimant also produced the purchase receipt Ex-P2, the postal receipt Ex-P3 and the copy of notice Mark P/A.

4. Arguments heard, record perused.

5. The claimant through his affidavit Ex-P1 reiterated the contents of the complaint. The receipt Ex-P2 reveals that the claimant purchased the seeds from the defendant for Rs.6960/-/-, the warranty of which was given. The seeds was defective and when the claimant contacted with the defendant for redressal of his grievance, he denied to redress his grievance. The claimant then sent notice through the registered post, vide receipt Ex-P3 but in response to the notice, the defendant did not redress his grievance. The claimant sent notice u/s 28 (1) of the Punjab Consumer Protection Act, 2005 well in time and then filed the complaint. No evidence is on record in rebuttal to the claimant's evidence, therefore, the court has no option but for accepting ex-parte evidence of the claimant true. The defendant assured to the claimant that the "Barseen" seeds was of specific quality and the crop would give production till June. The crop stopped production in April. The defendant made a false, deceptive or misleading representation thereby, is liable to compensate the claimant. Hence, the complaint

in hand is accepted and the defendant is directed to return the consideration money amounting to Rs.6960/- which he received. Section 10 of the Punjab Consumers Protection Act, 2005, restricts to grant damages, where the consumer has not suffered any damage from the product except the loss of utility. The claimant only suffered the loss of utility and no further damage was caused, therefore, he is not entitled to damages, however he is held entitled to costs amounting to Rs.10,000/- incurred on legal proceedings. The defendant is directed to comply with this order within sixty days and if he fails to comply with this order, the proceedings u/s 32 (2) of the Punjab Consumers Protection Act, 2005 will be initiated against him. The Registrar of this court is directed to send a copy of this order to the defendant free of costs and the receipt thereof be ensured and got acknowledged. A copy of this order be also delivered to the claimant. After due completion, the file be consigned to the record room.

**Announced**  
**03.07.2018**

**(Pervez Iqbal Sipra)**  
District & Sessions Judge/  
Presiding Officer,  
District Consumer Court, Faisalabad.

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

**Dated**  
**03.07.2018**

**Presiding Officer,**  
**District Consumer Court, Faisalabad.**

**Short order.****Present:-**

**The learned counsel for the claimant.  
The ex-parte evidence of the claimant has been recorded.**

**ORDER**

Arguments heard, record perused.

2. Vide order dated even passed in English separately, the complaint in hand is accepted the defendant is directed to return the consideration money amounting to Rs.6960/- which he received and also to pay Rs.10,000/- as costs incurred on legal proceedings. After due completion, the file be consigned to the record room.

**Announced  
03.07.2018**

**(Pervez Iqbal Sipra)**  
District & Sessions Judge/  
Presiding Officer,  
District Consumer Court, Faisalabad.