

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

Raja Muhammad Alamgir Khan S/O Raja Muhammad Bashir Khan, R/O Ratowal Village, Tehsil & District Jhelum.

(Petitioner/Claimant/complainant)

Vs

Ahjad Hussain, R/O Humza Lathe (Khrad) House Near Bahshti Mosque Shah Road , Tehsil & District Jhelum.

(Defendant)

ORIGINALCASE NO. 52-2016

EXECUTION PETITION NO.03-2017

DATED: 30-03-2017

Present: Nisar Ahmad Mirza advocate, counsel for the petitioner.

EXECUTION PETITION

Order :

1. Petitioner Raja Muhammad Alamgir Khan 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 17-11-2016 following relief was granted which is reproduced as under;

"In view of above discussion and observations it is that complainant has succeeded in proving his claim in his favour and against the respondent, therefore, complaint in hand is hereby accepted. Keeping in view the circumstances and gravity of the matter, the respondent is directed to pay Rs. 15, 000/- to the complainant received as advance money along-with litigation expenses. File be consigned to record room after necessary compilation."

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 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 [Jhelum](#) / District Collector or nominee of the Collector shall enforce / execute the order dated [17-11-2016](#) 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 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 pertaining 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 [17-11-2016](#) 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 of execution be sent to the Deputy Commissioner [Jhelum](#) / 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 [Raja Muhammad Alamgir](#) is directed to appear before Deputy Commissioner [Jhelum](#) / District Collector

whenever he is summoned during the execution proceedings. The petition is disposed off.

Announced:-12 -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:-12 -04-2017

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