

**IN THE COURT OF EJAZ AHMAD BUTTAR
DISTRICT & SESSIONS JUDGE / PRESIDING OFFICER,
DISTRICT CONSUMER COURT,
FAISALABAD.**

Complaint No	1351/10
Date of institution	23-2-10
Date of decision	20-9-10

Haji Muhammad Rasheed vs. Dr. Tanveer Nzami.

Petition under Punjab Consumer Protection Act 2005.

ORDER

Present: Parties in person.

Arguments heard on respondent's application u/s 35 of Punjab Consumer Protection Act 2005 (PCPA) for dismissal of petitioner's claim the same being frivolous and vexatious.

2. While arguing on application in hand, respondent's learned counsel submitted that neither the petitioner is "consumer" as defined in PCPA nor the respondent provided any "service" to the petitioner, therefore, question of such service being "defective" does not arise. As regards medical notes dated 18.1.10, it was contended that the same do not establish relationship of "consumer" and "service provider" between the parties since the petitioner was never operated upon by respondent for treatment of eye. With these submissions, respondent's learned counsel prayed for dismissal of petitioner's claim.

3. On the other hand, petitioner's learned counsel contended that the petitioner very much fulfills definition as a "consumer" while the respondent failed to provide him proper medical service which started from petitioner's visit to the respondent vide medical notes dated 18-1-10. With such contention, petitioner's learned counsel submitted that the claim be

Haji Muhammad Rasheed vs. Dr. Tanveer Nzami.

proceeded with for disposal on merit instead of throwing out the same prematurely.

4. Vide para No.3 & 4 of petition, the petitioner merely consulted the respondent and such consultation did not culminate into actual eye operation of petitioner which was performed by an eye specialist of Jhang and not by the respondent. Therefore, there being no relationship of “consumer” and “service provider” between the parties, as defined by the PCPA, application in hand is accepted and the petition is dismissed with cost.

5. After completion, file be consigned to record room.

Announced
20-9-10

Ejaz Ahmad Buttar,
District & Sessions Judge/
Presiding Officer,
District Consumer Court, Faisalabad.

Certified that this order consists of two pages which have been corrected and signed by me.

Announced
20-9-10.

Presiding Officer,
District Consumer Court, Faisalabad.