

Amir Mukhat Vs MD PIA.

Present: Counsels for the parties.

**Order.**

According to the clamant narration he arrived back from UK to Lahore at Allama Iqbal International Airport, Lahore on 12-03-2011. He had been waiting for his luggage for two or three hours on belt but he could not find it. After couple of hours, Station Manager handed over his luggage. When the claimant checked his bag, he found that two ports, two mobile sets and one digital camera were missing in the bag, whereas the empty packet of the above mentioned items were present in the bag. Claimant allegedly suffered loss to the tune of Rs. 5,48,020/-. Claimant served the legal notice hence the present claim.

Respondent contested the claim and filed written statement. Respondent raised an objection in Para No. 4 of the written statement that this claim does not fall within the jurisdiction of this court. During the claimant's evidence learned counsel for the defendant also insisted that this point should be decided firstly.

Arguments heard. Record perused.

About the territorial jurisdiction of consumer courts Section 27 of the Punjab Consumer Protection Act is very clear and is reproduced hereunder for ready reference.

Subject to the provisions of this Act, the Consumer Court shall have jurisdiction to entertain complaints within the local limits of whose jurisdiction-

- (a) the defendant or each of the defendants, where there are more than one, at the time of filing of the claim, actually and voluntarily resides or carries on business or personally works for gain, or
- (b) any of the defendants where there are more than one, at the time of the fling of the claim, actually and voluntarily resides, or carries on business, or personally works for gain, provided that in such a case the permission is granted by the Consumer Court or the defendants who do not reside, or carry on business, or personally works for gain, as the case may be, acquiesce in such institution, or
- (c) the cause of action wholly or in part arises.

According to the version of the claimant cause of action wholly arise in Lahore Air Port which is the territorial jurisdiction of Lahore Consumer court. Offices of the respondent are

also in Lahore where they are actually and voluntarily carries on business. In the prevailing circumstances claim/petition is returned back to the claimant Amir Mukhtar for proper presentation before the competent court of jurisdiction within 10 days from this order. Certified copies of the claim be kept in record and original be returned back to the claimant.

**Announced.**

21-09-11

District & Sessions Judge/District Judge  
Consumer Court Sahiwal