

In the Court of Judge Mehar Abid Hussain Ghabaisar, District & Sessions Judge/
Presiding Officer, District Consumer Court, Bahawalpur

Syed Mujahid Ayyub Wasti VS Sheikh Muhammad Ibrahim etc.

Case No. 3923/17
Date of Institution: 11.05.2017
Date of decision: 27.02.2018

Order:-

Brief facts of this case are that the petitioner filed this complaint stating therein that the petitioner purchased Sunny Grey Colour Marbles in consideration of Rs.2, 09,272/- at the rate of Rs.35/-per square foot. The total amount was paid to the respondents by the petitioner, when the marbles was fixed, it came into the knowledge of the petitioner that the respondents while deceiting the petitioner provided marbles of Badal Colour instead of Sunny Gray Colour, the rate of the Badal Colour Marbles is about 30/32 per square foot, furthermore, the Badal Colour is of black nature whereas the Sunny Gray is about white colour. There is difference of colours between above said two marbles Badal and Sunny Gray. The petitioner demanded to the respondents to compensate the petitioner about the difference of the rates of above said two colours of marbles but the respondents did not redress the grievance of the petitioner, hence this complaint.

The respondents put up their appearance through their counsel and submitted their written reply and the case was fixed for the arguments, meanwhile, the respondents absented themselves from the Court upon many dates of hearing, subsequently, they were proceeded against ex-parte on 06.02.2018 and case was fixed for 15.02.2018 for ex-parte evidence of the petitioner. On 15.02.2018 the petitioner sought adjournment for ex-parte evidence and case was fixed on 23.02.2018. On 23.02.2018 the petitioner produced his affidavit as Exb.P1, original

purchase receipt as Exb.P2 to P16, photocopy legal notice mark 'A & B', original postal receipts Exb.P17 & P18 and closed his ex-parte evidence.

Learned counsel for the petitioner have submitted that the petitioner by producing ex. parte evidence proved his contention and there is nothing available on record to rebut the evidence of the petitioner, therefore, the petition in hand be accepted.

(2)

I have heard learned counsel for the petitioner and perused the record of this case carefully. It is found from perusal of the record that by producing ex-parte evidence the petitioner has succeeded to prove his version before this Court. Keeping in view, the difference of rates of Sunny Gray Marbles & Badal Colour Marbles the complaint in hand is ex-parte accepted and the petitioner is held entitled to receive an amount of Rs.50, 000/- from the respondents.

File be consigned.

Announced:
27.02.2018

Judge Mehar Abid Hussain Ghabaisar
District & Sessions Judge
Presiding Officer, Consumer Court, Bahawalpur

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

Announced:
27.02.2018

Judge Mehar Abid Hussain Ghabaisar
District & Sessions Judge
Presiding Officer, Consumer Court, Bahawalpur