

IN THE COURT OF ABDUL REHMAN KHAN DISTRICT & SESSIONS
JUDGE/PRESIDING OFFICER DISTRICT CONSUMER COURT
SARGODHA.

Case No. 86/2010
Date of Institution 06.11.2010
Date of decision 02.02.2011

University of Sargodha, through Mr. Muhammad Fiaz-ul-Haq,
Purchase Officer, University of Sargodha.
(Complainant)

Versus

Rana Ahmed Noor , Director Sales
Hyundai Layyapur Motors, Jail Road, Near Secondary Board, Faisalabad.
(Respondent)

ORDER
02.02.2011

As per contents of instant petition/claim, the petitioner made an agreement with the respondent for purchase of Hyundai Pickup Shehzore and in this respect the petitioner sent pay order on 17.08.2010 amounting to Rs, 959000/- to the respondent for which as per agreement the respondent was bound down to deliver the vehicle to petitioner within 120 days. That instead of delivery of vehicle to petitioner, respondent returned the amount to petitioner after 36 days without assigning any reason and finely on 23.09.2010 respondent verbally refused to deliver the vehicle to petitioner and due to non-professional attitude and defective services provided by respondent, petitioner suffered monetary loss and mental loss, for which the petitioner deserve to be compensated amply and suitably in terms of money, for which the complainant sent a legal notice to the respondent but respondent did not pay any heed and as a result thereof, the complainant moved the court and prayed that the respondent be bound down to deliver the above said vehicle in lieu of Rs, 959000/- promptly along with compensation and litigation fee or any other relief which this honorable court deems fit may also be awarded to the petitioner.

The respondent was summoned but despite coercive measure, he did not turn up so, he was proceeded against ex-parte, the ex-parte evidence of petitioner was recorded. Likewise petitioner produced the Quotation for purchase of vehicle placed as Ex.P.1, purchase order Ex.p.2, Supply Order as Ex.P.3 Cheque as Ex.P.4. Sale order

form as Ex.P.5, Legal Notice alongwith TCS receipt and delivery reports as Ex.P.6, Ex.P.7, Ex.p.8, Ex.P.9, Ex.P.10 and Ex.P.11 and closed petitioner's evidence.

Ex-parte arguments of learned counsel for the petitioner heard and record available on the file, perused.

The petitioner in support of his version put forth in the instant petition, got recorded his statement. While there is no rebuttal at all to the aforesaid evidence of the petitioner. Petitioner has succeeded to establish that the respondent provided him defective services, while details of any loss due to said defective services allegedly suffered by the petitioner have not been given except the use of Rs, 959000/- for 36 days. Likewise no any details of litigation fee amounting to Rs, 25000/- has not been established. However, the petitioner is entitled for litigation fee of Rs, 10000/-

For the foregoing reasons, as per agreement between the parties, the respondent is directed to hand over the vehicle to the petitioner within 15 days otherwise the petitioner is entitled for the recovery of Rs, 15000/- as damages and Rs, 10000/- as litigation fee from the respondent who is directed to pay the same to the petitioner. File be consigned to record room after due completion.

Announced
02.02.2011

Sd/
Abdul Rehman Khan
District & Sessions Judge/
Presiding Officer,
District Consumer Court,
Sargodha.