

(1)
In the Court of Judge Mian Abdul Ghaffar, District & Sessions Judge /
Presiding Officer, District Consumer Court, Multan, Camp Office Vehari.

Waheed Aslam S/o Muhammad Aslam R/o Chak No. 505/E.B, Tehsil
Burewala, District Vehari.

(Complainant)

Versus

1- Muhammad Waqas S/o Haji Liaqat Ali R/o Shah Faisal Colony,
Dogar Market Wali Galli, near Dera Mustafa Bhatti, Tehsil
Burewala, District Vehari.

(Respondent)

Case No. 33/2017

Date of Institution 20.02.2017

Date of decision 17.02.2018

**COMPLAINT UNDER SECTION 25 OF PUNJAB CONSUMER
PROTECTION ACT, 2005.**

ORDER:

1. The complainant Waheed Aslam has brought this complaint for recovery / compensation of the work of fall ceiling as done by the respondent with the contention that he entered into an agreement with the respondent on 01.05.2015. This contract was reached between the parties in the presence of witnesses namely Syed Atif Raza Naqvi and Muhammad Irfan and the respondent received the amount of Rs. 50,000/- in the presence of these witnesses. It was also settled between the parties that in case of any damage, the respondent will be responsible. The respondent completed the work on 07.08.2015 and the complainant paid Rs. 4,60,000/-. The receipts are attached herewith. That on 20.01.2017, he was sleeping in his bed room on first floor, suddenly cracks developed in fall ceiling and the same fell down which caused loss and he also sustained injury as result of falling of building material and he had to get medical treatment from the hospital. The receipt of medical treatment is also attached with the file and as such he

suffered both mental and financial loss to the tune of Rs. 20,00000/- along with Rs. 35,000/- as fee of advocate. In the end, he prayed for the acceptance of this complaint.

2. Due process for the attendance of the respondent was issued but no one appeared from the side of respondent and after adopting due course of law, ex-parte proceedings was initiated against the respondent and in support of his contention, the complainant produced oral as well as documentary evidence and tendered his affidavit EXP-1 and recorded his statement as PW1 wherein the learned counsel for the complainant has produced original payment receipts EXP-2 to EXP-5, original visiting card EXP-6, original postal receipt about sending of legal notice EXP-7, attested photocopy of legal notice Mark-A, photocopy payment of amount from 04.05.2015 to 07.05.2015 Mark-B, original medical certificate EXP-8, original medical certificate dated 29.01.2017 EXP-9, X-Ray report of the complainant EXP-10, original envelop of Nishtar Diagnostic Center EXP-11 and original X-Ray report EXP-12 whereas Syed Atif Raza Naqvi also tendered his affidavit EXP-13 and recorded his statement as PW2 while other witness namely Muhammad Irfan also tendered his affidavit EXP-14 and recorded his statement as PW3 in support of the complaint of the complainant.

3. The learned counsel for the complainant has argued that the complainant has suffered mental and financial loss which is calculated Rs. 20,00,000/- along with fee of advocate and despite repeated demands, the respondent has not bothered to complete the work. The oral as well as documentary evidence is available on the file. Hence, he prayed that the complaint be allowed.

(3)

4. I have carefully gone through the record and of the view, the evidence oral as well as documentary produced by the complainant is available on the record is un-rebutted which lead to conclusion regarding the contract between the parties and loss as sustained by the complainant. Though, the breakage of expenditure has not been supported through separate evidence, yet this is summary trial and proceedings as given in C.P.C and Qanoon-e-Shahadat is not stricto-senso applicable. So in view of the available evidence produced by the complainant, the complaint of the complainant is hereby allowed to the tune of Rs. 6,00,000/- along with Rs 35,000/- as fee of advocate. The Ahlmed of this court is directed to issue notice to the respondent in view of the aforementioned order for the strict compliance. However, the complainant may also file separate application for implementation of this order. File be consigned to record room after its due completion.

Announced
17.02.2018

(Judge Mian Abdul Ghaffar)
District & Sessions Judge/Presiding Officer,
District Consumer Court, Multan
(Camp Office, Vehari)