

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

Complaint No	1328/10
Date of institution	25-1-10
Date of decision	5-6-10

Mazhar Ali S / o Shoukat R / o P/156 Rabani Colony, Faisalabad.

VS.

Nadeem Abbasi Olive Garden Marriage Hall, Canal Road, Faisalabad etc.

Petition for recovery of damages of Rs.1416900/-

Ex-parte order

Brief facts of the case are that the petitioner booked an order with respondents to serve 190 participants of his sister's marriage scheduled for 15.02.09. The petitioner agreed to pay Rs.330 per guest excluding income tax and also paid an advance of Rs. 20,000/- to respondents. When meal was served to the marriage - participants, some of them became sick. Besides suffering due to defective service of respondents, the petitioner and his family members also had to face humiliation before all concerned. Petitioner demanded from respondents to compensate his loss but they paid no heed to his demand nor they positively responded to legal notice sent by the petitioner. Hence, this claim for recovery of suit amount of Rs.1416900/-.

2. Court process was issued for the appearance of respondents but they did not attend the court, they were therefore proceeded ex-parte.

3. The petitioner appeared as PW1 and also filed his own affidavit as well as affidavit's from Kashif Hameed, Azhar Ali Shoukat and M.Tahir. Petitioner's documentary evidence comprises respondent's visiting card, pay bill, wedding card, legal notice and dispatch receipt.

Mazhar Ali vs. Olive Garden etc.

4. Petitioners ex-parte contentions heard and record perused.
5. No doubt, petitioner's evidence has not been rebutted by the respondents due to ex-parte proceedings yet petitioner's claim cannot be decreed mainly for the reason that he has failed to produce requisite medical evidence. Mere self serving statement, not duly corroborated through medical evidence is hardly sufficient to accept petitioner's claim. The petitioner claimed that their guests fell sick on taking defective food served by the respondents, then it was imperative that affectee guests should have visited medical officers to receive necessary treatment but that was not done by in this case. In cases like the present one, medical evidence is a must to consider possibility of passing a decree in favour of claimants; therefore, petitioner's claim cannot be accepted for want of requisite medical evidence.
6. For what has been stated above petitioner claim is hereby dismissed.

Announced
5-6-10

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
5-6-10.

Presiding Officer,
District Consumer Court, Faisalabad.

