

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

Complaint No	1083/09
Date of institution	19-12-09
Date of decision	30-6-10

Shujat Ahmad Khan Lodhi Vs Liaqat Ali etc.

Petition to initiate proceedings.

**ORDER**

Present: Petitioner in person and counsel for respondents No.2 to 4.

Brief facts of the case are that the petitioner purchased suit car from Bank Alfalah Ltd, on installments, under car financing scheme. Respondent No.2, a close friend of respondent No.1, offered the petitioner to arrange sale of suit car to respondent No.1 in order to earn profit for the petitioner. In June 2006, both respondent No.1 & 2 approached petitioner and purchased car from him while respondent No.1 undertook to pay the remaining installments on behalf of petitioner. In this connection, respondent No.1 allegedly delivered 31 cheques to respondent No.2 who not only received these cheques but also accepted the deal between petitioner and respondent No.1 as correct. Respondent No.1 kept on paying monthly installments regularly but when in October / November 2008 installments of car were not paid, respondent No.1 contacted petitioner and requested him to get the cheques cashed in order to clear the outstanding installments but respondent No.2 excused saying that he is helpless as the Bank concerned has refused to help them, therefore, it is ultimate duty of petitioner to arrange encashment of cheques but the petitioner reminded

them their promise and deal whereby respondents No.1&2 had absolved the petitioner from any further liability. As the respondents refused to accept their responsibility, hence, this petition for declaration that petitioner does not owe any liability to respondents No.2 to 4 regarding dispute about suit car – instead respondent No.1 is solely responsible for payment of outstanding installments of car. The petitioner also sought to restrain respondents from wrongly claiming or forcibly receiving any amount from him.

2. The petition was contested by respondent No.2 to 4 while respondent No.1 was proceeded ex-parte. On 9-9-10, the contesting respondents raised a few preliminary objections to the effect that this court lacks jurisdiction to try this petition that neither the petitioner is a “consumer” nor he has got any cause of action against answering respondents, therefore, the petition is liable to dismissed.

3. Arguments heard on preliminary objections and record / case law perused.

4. It would appear from scrutiny of the contents of petition that parties’ controversy is in fact one of civil nature. It also seems that the petitioner does not fulfill qualification of a “consumer” not he has shown as to what provision of Punjab Consumer Protection Act 2005 has been violated by the respondents. The petitioner also did not serve any legal notice to respondents before filing this claim. It is also not denied that the

respondent Bank has already filed their claim against petitioner before Banking Court but the petitioner did not disclose this fact.

5. It would appear from the foregoing that Consumer Court is not competent to adjudicate parties' controversy which prima facie falls within the domain of Civil Court as the petitioner has sought relief of declaration and permanent / mandatory injunction. Non serving of legal notice on the contesting respondents is another point fatal to the maintainability of petitioner's claim. Therefore, the petition be returned for presentation to a court of competent jurisdiction.

6. After due completion, file be consigned to record room.

Announced  
30-6-10

Ejaz Ahmad Buttar,  
District & Sessions Judge/  
Presiding Officer,  
District Consumer Court, Faisalabad.

Certified that this order consists of three pages which have been corrected and signed by me.

Announced  
30-6-10.

Presiding Officer,  
District Consumer Court, Faisalabad.