

**IN THE COURT OF MUHAMMAD KALEEM SHEIKH,
PRESIDING OFFICER / DISTRICT & SESSION JUDGE,
DISTRICT CONSUMER COURT, FAISALABAD.**

Rana Shahid etc	National Bank of Pakistan Limited
(Claimant)	(Defendants)
Claim No:	Misc/45/08 DCC-2008.
Date of Institution of Claim	22.12.2008.
Date of decision	21.03.2009.

Order:-

1. Briefly, in view of statements of the parties, the claim titled as Rana Shahid Mehmood etc vs. the President National Bank etc lodged u/s23 (4) of ppccact2005, the court pronounced the following order on 06.12.2008, “. The Master Motor Cycle (PVT) Ltd, Lahore shall get repaired three wheeler CNG Auto Rickshaws of 54 claimants referred above, so as to make the same road worthy to the satisfaction of the claimants under the supervision of Registrar of this court, all such repairment of the Rickshaws shall be made within a period of 10 days (excluding the public Holidays). After necessary repairment of the Rickshaws, the Registrar of this court shall submit his report within a period of 7 days”
2. As the respondents /judgment debtors did not make the Rickshaws road worthy within the prescribed period, therefore, decree holder/claimants through their special attorney Rana Shahid Mehmood submitted petition in hand for compliance of above said order of this court.
3. On 07.02.2009, the claimants/petitioners/decreed holders stated that the Rickshaws may be got repaired under the supervision of Liaqat Ali Motor Vehicle Examiner Faisalabad as they would accept such report after repairment of the Rickshaws and that such report shall be binding on them. The Executive Director Master Motors CNG Auto Rickshaws in attendance and learned counsel for respondents/ judgment debtors No.2,4,6 and 8 accepted such offer with the condition that the Rickshaws would be repaired at Madni Autos Samman Abad Fsd within period of one month.

4. Under the above said circumstances the petitioners/decreed holders were directed to produce their Rickshaws at Madni Autos as per schedule to be chalked out in the office of Registrar of this court in pursuance of statement of Rana Shahid Mehmood special attorney of the remaining petitioner/decreed holders.
5. Accordingly, Liaqat Ali Motor Vehicle Examiner was summoned in the office of the Registrar and he was directed to check each Rickshaw before and after its repairment and to prepare report about its being road worthy. It was made clear to the said Motor Vehicle Examiner that he shall not disclose such report to any one as such report shall be kept secret so as to produce the same in sealed cover envelop on 07.03.2009.
6. As the Motor Vehicle Examiner's report was received in the office of Registrar of this court on 07.03.2009, but as the Motor Vehicle Examiner was not in attendance therefore, the case was fixed for today i.e 21.03.2009.
7. Liaqat Ali Motor Vehicle Examiner has opened the sealed cover envelop containing his report in presence of the parties Liaqat Ali Motor Vehicle Examiner Faisalabad has got recorded his statement separately in vernacular showing that he has prepared report EX-CW-1/1, that he checked the working of 15 Rickshaws before and after their repairment, that after their repair, the Rickshaws No. FDU-07-1787, FDU-07-1742, FDU-07-2023, FDU-07-1734, FDU-07-1098, FDU-07-1848, FDU-07-1762, FDU-07-1699, FDU-07-2578, FDU-07-1770, FDU-07-2316, FDU-07-1792, FDU-07-2584, FDU-07-1826 and FDU-07-1738 were found to be road worthy. He further stated that the remaining Rickshaws were not produced by their owners for repairment at the said place.
8. From the above said scenario, it transpires that the court made hectic efforts for repairment of the Rickshaws of the petitioners/decreed holders to their satisfaction to make the same road worthy. Rana Shahid Mehmood special attorney of the petitioners/decreed holders made statement on 07.02.2009, when some other decreed holders were also present along with him and they reposed confidence in Liaqat Ali Motor Vehicle Examiner Faisalabad for checking the Rickshaws before and after their repairment when they stated that his such report would be final to their extent and they would accept it in any circumstances. Now, from the statement of Liaqat Ali Motor Vehicle Examiner Faisalabad read with his report EX-CW1/1 it appears that the condition of the Rickshaws produced is satisfactory after

their repair. He further stated that after repairs the produced Rickshaws were found road worthy. The remaining Rickshaws were not produced for repairment by their respective owners meaning thereby that they have relinquished their such claim for repair as they have not produced their Rickshaws deliberately for repairment in compliance of the court's order. As the court's order has been complied with the execution petition is hereby dismissed. File be consigned to the record room after its due completion.

Announced
21.03.2009.

**Muhammad Kaleem Sheikh,
Presiding Officer/
District & Session Judge,
District Consumer Court, Faisalabad**

Certified that this judgment consists of three pages, dictated, signed and corrected by me.

Announced
21.03.2009.

**Muhammad Kaleem Sheikh,
Presiding Officer/
District & Session Judge,
District Consumer Court, Faisalabad**

Present:-

- 1. One of the claimants Rana Shahid Mehmood in person**
- 2. Learned counsel for the defendants No 2,4,6 and 8 Saqib Gardner Advocate**
- 3. Rana Tariq Majeed Khan, , ADPP for the State.**

ORDER:-

Vide my separate order of even date as this court's order has been complied with. The execution petition is hereby dismissed. File be consigned to the record room after its due completion.

Announced
21.03.2009.

**Muhammad Kaleem Sheikh,
Presiding Officer/
District & Session Judge,
District Consumer Court, Faisalabad.**