

**IN THE COURT OF BAKHT FAKHAR BAHZAD,
DISTRICT & SESSIONS JUDGE/PRESIDING OFFICER,
DISTRICT CONSUMER COURT, GUJRAT**

Malik Muhammad Nawaz S/O Malik Allah Nawaz, caste Jatt, R/O Hall Moqeem, falat No. 12 Mogeeb Iqbal falat, Mohalla Zakar abad Mohree Road, Tehsil Kharian & District Gujrat.

(Petitioner/Claimant/complainant)

Vs

Dr. Kashif Adnan, R/O Allama Iqbal International Hospital Near Alflah Bank, G.T. Road, Tehsil Kharian & District Gujrat.

(Defendant)

CASE NO..... 24-2017

DATED..... 29-03-2017

Present: Nemo for the claimant.

COMPLAINT/CLAIM UNDER SECTION 30 OF PUNJAB CONSUMER PROTECTION ACT, 2005

Judgment:-

The instant claim was received through post to sent by the worthy Inspection Team Hon' able Lahore High Court Lahore, the claim was registered and in order to verify the genuine of claim, the claimant was summoned through telephonically and direction were issued to claimant to submit all the necessary documents and legal notice which he served to the defendant but the claimant neither has appeared nor submitted the required documents even the copy of the CNIC has not annexed with the claim although it has been alleged in Para no. 4 on the claim that on 27-05-2016 he sent the legal notice to registered post to defendant but no receipt of the same has been annexed with the claim nor any copy of legal notice has been annexed. At this stage I venture to reproduce the provisions of section 28 of Punjab Consumer Protection Act 2005 which is as under:-

28. Settlement of claims.-"(1) A consumer who has suffered damages, or Authority in other cases, shall, by written notice, call upon a manufacturer or provider of services that a product or service is defective or faulty, or the conduct of the manufacturer or service provider is in contravention of the provisions of this Act and he should remedy the defects or give damages where the consumer has suffered damage, or

cease to contravene the provisions of this Act”.

2. After perusing section 28 of the Act one thing is very crystal clear that claimant shall give the legal notice to the defendant and the defendant / service provider according the sub section 2 and section 28 shall reply of the legal notice within 15 days and if the claimant is not satisfied from the conduct of with the defendant he shall file the claim before this Court under section 25 of Act and the claim shall be filed within 30 days of arising of the cause of action. Sub section 3 of section 28 further provides that no claim shall be entertained by a Consumer Court unless the consumer has given notice under sub-section 1 and this sub section further bounds the claimant to provide proof of the legal notice that the same was duly given and service provider has not responded thereto.

3. Serving the legal notice to the service provider by the claimant and providing the proof by the claimant to Court that he served a legal notice to service provider but he did not duly reply and thereafter he were constrained to file the claim before this Court are all mandatory provisions of law. As no proof has been annexed with the claim that the claimant had ever served the legal notice. No copy of the legal notice is annexed with the claim nor any proof has been provided that the notice was served to the service provider nor any receipt of the registered post which is mentioned in Para No. 5 of the claim is annexed with the claim, therefore, for what has been discussed above due to non fulfillment of the mandatory legal provisions of law as mentioned in section 28 of the Act, the claim cannot be entertainable. The same is hereby returned to the claimant with the direction to approach to Court of competent jurisdiction to claim and damages if so advised. File be consigned to the record room.

Announced: 11 -04-2017

(BAKHT FAKHAR BAHZAD)
D & S/J/ Presiding Officer
District Consumer Court Gujrat.

Certificate:-

It is certified that this order consists of two pages and each page has been dictated, read, corrected and signed by me.

Announced: 11 -04-2017

(BAKHT FAKHAR BAHZAD)
D & S/ Presiding Officer
District Consumer Court Gujrat.