

ORDER SHEET
IN THE HIGH COURT OF SINDH AT KARACHI

C.P. No.D-2733 of 2019

DATE	ORDER WITH SIGNATURE OF JUDGE(S)
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Present:

Mr. Justice Muhammad Ali Mazhar
Mr. Justice Agha Faisal

Mrs. Farhana Shakir.....Petitioner

Versus

Asim Jofa Bridal Studio & Others.....Respondents

1. For orders on CMA No.13051/2019.
2. For hearing of main case.

02.05.2019

Mr. Khalid Mehmood Khan Kayani, advocate alongwith the
petitioner.

1. Urgency granted.
2. We raised a question on the last date that the grievances raised by the petitioner in this petition may be resolved by filing complaint under Sindh Consumer Protection Act, 2014, as recently the various Consumers Protection Courts have been established in the province of Sindh. The learned counsel submits that the petitioner may approach to the Consumers Protection Court but under Section 29(4) of the Sindh Consumer Protection Act, 2014, it is provided that claim of the consumer shall be filed within 30 days of the arising of the cause of action.
3. Though the condition for regulating a limitation is provided under sub-section (4) of Section 29 of the Sindh Consumer Protection Act, 2014, but there is also proviso attached to the same sub-section where the court having jurisdiction to hear the claim, may allow a claim to be filed after thirty days within such time as it may allow if it is satisfied that there was sufficient cause for not filing the complaint within the specified period. It is further provided that such extension shall not be allowed beyond a period of sixty days from the expiry of the warranty or guarantee period specified by the manufacturer or service provider and if no period is specified one year from the date of purchase of the products or providing of service.

4. Under the law, the ample power given to the Consumers Protection Court to extend limitation or condone the delay. Since the petitioner has approached this court on 22.04.2019 with the grievances that she placed online order and delivery of goods was made on 02.02.2019, when she opened the packet, she got different items which were not ordered by her. Basically she claims a case of fraud and misrepresentation for which the remedy lies with the Consumers Protection Court, where after issuing notice to the supplier the learned Consumers Protection Court may decide the case. So far as the limitation is concerned, the petitioner may also apply for condonation and that aspect of condonation will be considered sympathetically keeping in mind that the petitioner has consumed some time in this court by filing instant petition.

5. The instant petition is disposed of in above terms.

JUDGE

JUDGE

