

**IN THE COURT OF SOHAIB AHMED RUMI
DISTRICT & SESSIONS JUDGE/PRESIDING OFFICER
DISTRICT CONSUMER COURT, GUJRANWALA
Case No. 132/09**

Syed Qurban Raza S/o Zakir Hussain, Chief Executive, Organization for Participatory Development (OPD), Ehtasham Colony Ittefaq Street, Sui Gas Road, Gujranwala.
(Complainant)

Vs.

Hadayat Ullah Aias Asif S/o Abdul Ghani, Proprietor Punjab Fiber Glass & Steel Works. Main Road Ghirijakh, Gujranwala
(Respondent)

COMPLIANT UNDER SECTION 25 OF THE PUNJAB CONSUMER PROTECTION ACT, 2005

Date of institution : **16-05-09**

Date of decision : **17-10-09**

JUDGMENT:

Complainant's case is that he being representative of NGO of Organization for Participatory Development registered at Gujranwala purchased a generator from the respondent for a consideration of Rs. 1,60000/- with one year warranty period. The said generator remained out of order for most of the time. Respondent was informed about complaint who visited the spot and tried to remove the faults but unfortunately the generator again become out of order and ultimately in April 2009 due to some manufacturing fault finally stopped to work. According to the complainant respondent flatly refused to take the responsibility for removing defects of the generator therefore, he was served legal notice.

Respondent was served by this Court but he did not choose to appear before the Court inspite of due service so he was ordered to be proceeded exparte. Later respondent appeared but once again absented himself after entering into a process of reconciliation. Ultimately the complainant was asked to produce exparte evidence. Complainant appeared as PW1 and stated that he purchased 15KVA generator from the respondent after making payment of Rs. 1,60000/-. The payment was made through cross cheque mark "A & B". He produced receipt issued by the respondent Exhibit "PA" complainant also produced postal receipts Exhibit "PB" & "PC" for dispatch of legal notice. Aman Ullah PW2 supported the version of the complainant in this regard. Muhammad Latif PW3 also corroborated the story mentioned by two PWs.

From the contents of the evidence adduced by the complainant and other documentary evidence it is established that respondent sold a defective generator to the complainant, therefore, respondent is directed to replace the product with new one of similar description free from any defect or return the complainant the price thereof as well as pay Rs. 500/- as legal expenses alongwith Rs. 5500/- as counsel fee within one month of passing of this judgment. File be consigned to the record room after its due completion.

Announced:

17-10-09

(SOHAIB AHMED RUMI)

District & Sessions Judge/
Presiding Officer
District Consumer Court,
Gujranwala.

Certified that this judgment consist of two pages, which have been dictated, corrected and singed by me.

17-10-09

(SOHAIB AHMED RUMI)

District & Sessions Judge/
Presiding Officer
District Consumer Court,
Gujranwala.