

**IN THE COURT OF SOHAIB AHMED RUMI
DISTRICT & SESSIONS JUDGE/PRESIDING OFFICER
DISTRICT CONSUMER COURT, GUJRANWALA
Case No. 83/09**

Rao Khalil Ahmed S/o Chand Khan District Officer Child Protection and Welfare
Bureau Gujranwala (Complainant)

Vs.

Manager, Out Fitter Satellite Town , Gujranwala (Respondent)

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

Date of institution : **21-03-09**

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

JUDGMENT:

Rao Khalil Ahmed complainant stated that on 15-12-08 he purchased sweater/jersey from respondent's shop after making payment of Rs. 1590/- against receipt No. 92539- dated 15-12-08. On the very next date while he was wearing the same, sewing stitching were found broken making it not wearable. According to the complainant respondent was approached but instead of replacing the same he misbehaved and refused to redress the genuine grievance of the complainant. Contention of respondent is that at the time of purchase the complainant has properly inspected the sweater/jersey and found Ok from all respect and when on 21-12-08 complainant came to the shop of respondent with the complaint he was apprised that the used sweater/jersey can not be replaced with new one.

Complainant appeared as PW1 in support of his version and produced Exhibit "PA" copy of the legal notice, postal receipt there of Exhibit "PA/1", invoice No. 92539 dated 15-12-08 Exhibit "PB", certificate about counsel's fee Exhibit "PC". On the other hand respondent appeared as RW1 and produced Muhammad Rehan as RW2.

Arguments heard and record perused.

Sale of sweater/jersey by respondent to the complainant is an admitted fact in this case. Defect in stitching as claimed by the complainant is also not denied by respondent. Contention of the respondent is that he could not replace the used apparel. According to the record sweater/jersey was purchased on 15-12-08 and according to respondent's own version complainant came to his shop on 21-12-08 so it can not be said that the complainant has used sweater/jersey in question extensively for a long time certainly when some stitches were found broken after wearing the same the complaint was lodged to the seller who was bound to either replace the same

or compensate the consumer which he could not. A consumer is entitled to get best replacement of his money paid to the seller. It is established from the record that respondent provided defective product to the complainant for which he is held liable to replace the sweater/jersey with new one of similar description free from any defect or return the complainant Rs. 1590/- the price of sweater/jersey charged. Besides, Rs. 500/- legal expenses and Rs. 2200/- counsel fee shall also be paid by the respondent to the complainant within one month of passing of this order. Respondent is directed to collect the defective product Exhibit "P1" from the Court. File be consigned to the record room after its due completion.

Announced:
10-10-09

(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.

10-10-09

(SOHAIB AHMED RUMI)
District & Sessions Judge/
Presiding Officer
District Consumer Court,
Gujranwala.