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**IN THE COURT OF MIAN MUHAMMAD ILYAS
PRESIDING OFFICER DISTRICT CONSUMER
COURT, GUJRANWALA
Case No.90/12**

Date of institution : 18-07-12.

Date of Decision : 28-04-15.

Unser Mahmood S/o M. Ishaq caste Sheikh R/o Tatlay Aali Road, near Saddar Rice Mills
Kamoke, District Gujranwala.

(complainant)

Vs.

Global Customer Care Private Limited through its Branch Manager "Nokia Care Center"
Shop No. 38 & 39 Trade Center, Opp. Ghulam Dastgir CNG Pump, GT Road Gujranwala.

(respondent)

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

JUDGMENT:

1. Unser Mahmood, complainant of this case has agitated before this court through this complaint that he purchased a Nokia mobile set through **Ex. P/7** in the sum of Rs. 13700/- which was found defective and complainant approached the respondent on 21.01.2012 for lodging his complaint and removal of defect. Respondent received the mobile set through receipt No. GUJ-20362. Later on respondent returned the set without removing the defect. Then he again approached the respondent on 21.05.2012 and respondent again took the same into possession through receipt No. GUJ-24551 but again set was returned without removing the defect. It has further been alleged in the complaint that respondent company is duty bound to repair the mobile set. Complainant has asserted that the said mobile set was carrying all important numbers in use and necessary data of complainant. He has prayed that due to the illegal act of the respondent, complainant is entitled to receive damages to the tune of Rs. 10000000/-, price of mobile set Rs. 13700/-, counsel fee Rs. 10000/- and other expenses as Rs. 50000.

2. Respondent was summoned. He put his appearance and submitted his written reply.

3. The parties were provided an opportunity for reconciliation which was failed and therefore both the parties were directed to produce evidence in respect of their respective claims.

Attested


Ch. Muhammad Farooq
Registrar
District Consumer Court
Gujranwala

4. Complainant, Unser Mahmood appeared himself as PW1 and also produced PW2 Umar Farooq. Complainant submitted his affidavit as Ex. P/1 in support of contents of his complaint. Complainant also produced receipt Ex. P/7, acknowledgement due Ex. P/4, receipt of post office Ex. P/3 and receipt of counsel fee as Ex. P/5. Umar Farooq PW2 submitted his affidavit as Ex. P/6.

5. On the other hand Ibaad Ali representative of respondent appeared as RW1 and also produced his affidavit as Ex. R/1. However, later on respondent party disappeared without cross examination of RW1. As such respondent party was proceeded against exparte and complainant was invited to advance exparte arguments. Complainant submitted written arguments.

6. I have gone through the record in the light of arguments of learned counsel for the complainant.

7. Purchase of mobile set in question is admitted by the parties. It has also been pointed out that complainant approached three times to respondent for removal of defect of mobile set. The evidence produced by complainant has fully supported his version which remained unrebutted, therefore this court is left with no option but to accept the same as correct.


8. Since complainant has succeeded to prove his claim, therefore keeping in view the facts and circumstances of the case he is held entitled to receive Rs. 50000/- as compensation from respondent, replacement of defective mobile set or its price and counsel fee as Rs. 5000/-. In these terms this complaint is disposed off.

9. File be consigned to the record room after its due completion.

Announced:

28-04-15


Attested
Ch. Muhammad Farooq
Registrar
District Consumer Court
Gujranwala


(MIAN MUHAMMAD ILYAS)
District & Sessions Judge/
Presiding Officer
District Consumer Court,
Gujranwala.

Certified that this judgment consists of 02 pages which are dictated, corrected and duly signed by me.

Announced:

28-04-15


(MIAN MUHAMMAD ILYAS)
District & Sessions Judge/
Presiding Officer
District Consumer Court,
Gujranwala.