

**In the Court of Syed Maruf Ahmedali Presiding Officer/ District & Sessions  
Judge District Consumer Court, Lahore**

**Imran Saeed V/S Saleem Qadar Kan**

**Order:**

The petitioner Imran Saeed has filed a complaint Uner Section 25 of Punjab Consumer Protection Act 2005.against the Respondent Saleem Qadar Khan. For recovery of Rs.310550.

Brief facts according to petitioner are that the Respondent established a CNB Kit installation Company. The petitioner on 4.06.2007 in his vechle barring No BC-8486 is of Chrysher Company Jeep Model CherokeeXJ.of 1996.Design M.P.V.displacement 4000CC,fuel type Galoline or petrol engine. 4.0 liter,6 inline Cylinder. Engine got installation of CNG Kit (Landi Ranzo ) of Italy form the Respondent. With a Warranty of one year. For an amount of Rs. 58000.vide Invoice No 655 dated 4.6.2007 petitioner for the relised that Two CNG Cyliner was carried to install for an capacity of 60 water litre each of BTIC company China and Kit was of Landi Renzo Company (EFI) carburetion type kit .The Petitioner came to know that Venturi installed in the vichle was of the Daihatsu Coure which is of 800CC of Engine.and was locally manufactured and was installation by cutting vichle air filter pipe. It also transpired that CNG Cylinder were not of 60 Wter Litres. Each capacity but were of 57.4 and 56.6 water litre. The emulator of timing advancer were also locally made. there is petitioner is telling to the Respondent that all the parts are imported form the China.The petitioner had further alleged. That the emulator of timing advancer were such a poor quality that they had damage the MAP Sensor 6 inline CNG Kit and Air Filter hose which have to replaced by the petitioner. For an amount of Rs.52550.The petitioner is demanded to refund the amount pay to the Respondent and replace of the Gas Kit but the Respondent is refused. The petitioner issued the Legal Notices to the Respondent but the Respondent did not gave the satisfactory reply and hence the suit.

4           The Respondent was summoned who file his writing reply therefore the evidence of petitioner was recorded as PW-1 and evidence of the Respondent was recorded as RW-1

It is contended the learned counsel by the petitioner that the Respondent had installed a faulty and defective CNG Kit in to the Jeep of the Petitioner for an amount of Rs.58000.and giving the Waranty of One year. But due to the defective CNG Kit the Map Sensor 6 Gasoline Injector and the Air Filter hose were damage and were replaced by the petitioner for the cost of Rs.52550. He further argued that the damages of Jeep of the Petitioner accrued is that the most important of CNG Kit called Venturi was installed of a Diahatsu Coure car.of 800CC.Where as the Jeep of Petitioner was of 4000CC The amulator and timing advancer were locally made.and the Respondent was charged the petitioner for imported quality Two CNG Kit Cylinder installed were of 57.4 and 56.6 water liter instead of 60 water litre. Which is given in the Invoice. The Respondent had charged the petitioner for cylinder of 60 water litre. The evidence giving by the petitioner has not been rebutted during cross examination. Not the allegation has been denied by Respondent during his statement. Due to faluty Service of and deceptive advertisement of respondent for the installation CNG Kit The petitioner had suffer loss of Rs.310550.and Respondent has liable to pay the same as to petitioner as proved in he case.

6                On the other hand the counsel for the respondent is argued they not collaboration of the evidence of petitioner nor any expert has been produce by him to determine the cause of damages. of the Jeep of Petitioner Nor the Petitioner produce his Jeep in the Workshop of the Respondent. for it inspection. He is further contended that the petitioner had failed to prove his case and same be dismissed.

7                After hearing the arguments on behalf of the both the parties and scaning the evidence produced by them.The CNG Kit was installed by the Respondent in the Chrysher Jeep of the petitioner on 4.6.2007. said Jeep is Cherokee XJ of 1996 with 4000CC fuel type Gasloine or Petrol Engine 4.0litre and 6 inline Cylinder it was agreed between the parties the Landi Renzo CNG Kit of Italy will be installed in the Jeep of petitonr for an amount of Rs.58000. Receipt is EX R-1 According to the said Invoice 2 Cylinder of 60 Water litre. Which VTIC were to be installed in the Jeep of petitioner and the petitioner was charged for the same due to 2 cylinder of less capacity that is 57.4 and 56.6 water liter respectively when installed in Jeep of petitioner venturi Invoice EX-P-1 The Jeep of the petitioner was on 4000CC and very important part of installation of CNG Kit called Venturi used for converted CNG part Engine to Natural Gass was

installed of Diahatsu Coure vichle of 800CC which was also locally made which is proved form the invoice EX P-1 Due to thease substandard and defective part of the CNG Kit the Map Sensor  
6 Injector and Air Filter hose were damaged and petitioner had to purchased the same from Karachi. And were repalaced were at the cost of Rs.525550. which is proved form the Receipt EX-P-6.

8 Prove of these above facts the petitioner him self appear as PW-1 and further stated during the evidence that he has charged for the installation on same day instead of 6 Cylinder but the Respondent installed 2 Cylinder Emulator of 4 Cylinder and installed the same in his Jeep to satisfied for installing Emulator of 6 Cyliner of Renz Company is give me EX-P-3 as the ideal Model of Emulator for each vichle where is according to kind of Injector system subjected to conversion .He further stated in his evidence that his Jeep was of 142 KW and Respondent installed CNG Kit 100 KW (TNI).To prove this fact the specification of Cherokee Jeep is given in EX-p5 and Dia Grame of Special Regulator is EX P-5/1.Due due the faulty services of respondent the Jeep of Petitioner starting creating problems. and on 16.06.2007 a complaint to respondent about defective part which he had installed in his Jeep.When due to the faulty service of respondent the jeep of petitioner is not in working condition. Legal Noices were also issued by the petitioner to the respondent on 4.7.2007 which is EX P 7 Photo Copy of writing reply of the legal Notices is Mark A.

8 During the cross examination al the allegation laved by the petitioner have not been rebutted by the respondent On the other hand during cross examination it proved by the respondent the 2 cylinder installed in the Jeep of Petitioner were less then 60 water liter it have also be proved that Emulator have been manufacture locally by Fasial Town CNG Company. It also be prove that the Gage Engine were burned on 26.06.2007. and after that the Jeep of petitioner off the working. It also be proved during the cross examination that map sincer was also burned due to the fault of respondent it has also be proved in cross examination Venturi and 800CC Core Car have been filled in the Jeep of the Petitioner instead of 4000CC Venturi All the facts giving in to the evidenc of the have not been denied by the respondent.The evidence given be PW-1 has been proved. The admittlly evidence produced by the petitioner P-1 to P-7 has been denied. The evidence of petitioner is corporate by admittlly demand produced by him. As all the

facts given by the petitioner in his evidence have been admitted as they have not been denied by the respondent, therefore, there is no need to record the evidence of any expert.

9               The Respondent who is himself appeared as Rw-1 had admitted in his evidence that he is agreed to refund the amount of Rs.48000.after deduction of the amount of Rs.10000.During his evidence he he never denied that the petitioner did not purchased injector Map Sensor air filter hose for an amount of Rs.52550. and were replace in the Jeep according to Receipt P-6 However during the cross examination he is denied that he is not installed the Kit in the Jeep of petitioner. That the capacity of 4000CC.He is also denied during the cross examination that he installed Venturi of 800CC Core car. in the Jeep of the Petitioner He is also denied that he installed is locally made. Emulator and Turbo Chip .He is admitted that he had install emulator with front of FTTS which is in the name of his company which is also which is also approve from Invoice EX-P-1 the Respondent his produce. Photo Copies which is R-1 which prove the unit price of emulator .....of Toyota old model charged against US Dollar 1.19 which have converted in to Pak Rupees coming of Rs.80 where is during the cross examination the Respondent had admitted that he had charged the petitioner Rs. 9000. He is also admitted that he intalled a emulator /advancer of Toyota old Model in the Jeep of the petitioner .The Respondent should have disclose to the petitioner before installing the CNG Kit that there is no Emulator/Advancer of Cherokee but the Respondent fail to disclose the same to the petitioner at the time of installation of CNG Kit.

File be consigned to record room after due completion.

From

**Announced  
29-09-2007**

**Presiding Officer  
District Consumer Court  
Lahore**