

**SOHAIL IKRAM PRESIDING OFFICER  
DISTRICT CONSUMER COURT  
GUJRANWALA**

**COMPLAINT / CASE NO. 87/2007**

**DATE OF INSTITUTION. 03-11-2007**

**DATE OF DECISION. 27-03-08**

**Nofal Ahsan VS Fasail Rao and other.**

Present:- complainant in person.

Respondents are not present.

**JUDGMENT:**

Nofal Ahsan complainant filed complaint under the Punjab Consumer Protection Act, 2005 against the respondents in which he has alleged that on 18-10-2007 he purchased Black Barry Mobile Set in sum of Rs. 6500/- from the respondent No.1. The Mobile set was defective from the very beginning when the complainant contacted with the respondent he refused to repair the same and also refuse to refund the price. He prayed that his claim be accepted and he be awarded damages / compensation for mental torture, stress and agony amounting to Rs. 24500/-

The complainant sent a legal notice exhibit "PA" to the respondent but the respondent did not pay any heed on it. Resultantly the complaint in hand raises.

The respondent was summoned through ordinary means and as per report dated 19-11-2007 respondent refuse to receive the notice therefore the processes Server of this court was directed to serve the notices and on 23-11-2007 respondent personally appeared along-with his counsel but on 02-02-2008 no body appeared on behalf of the respondent, therefore the respondent was proceeded exparte. The exparte evidence in the form of oral evidence and documentary evidence was produced.

Nofal Ahsan complainant appeared as PW1, Rana Arfan Ahmed appeared as PW2, Waseem Ashiq appeared as PW3. All the above PWs almost narrated that same facts in their evidence as narrated in compliant Exhibit "PB".

The documentary evidence was produce in the form of receipt exhibit "PC" and warranty card exhibit "PD".

There is no evidence is rebuttal.

Under these circumstances I accept the petition of the complainant and it is ordered that the respondent No.1 shall refund the amount of Mobile Rs. 6500/- and petitioner shall return the Mobile Set No. IME No. 650753. The damages / compensation for the mental torture, stress, agony Rs. 18000/-. The claim of the petition is decreed for a total amount of Rs. 24500/- (rupees twenty four thousand five hundred only) File be consigned in the record room after due to completion.

Announced:  
27-03-08

**(SOHAIL IKRAM)**  
PRESIDING OFFICER  
District Consumer Court,  
Gujranwala.

CERTIFICATE: This judgment consists of on two pages and the each page is dictated, corrected and signed by me.

**(SOHAIL IKRAM)**  
PRESIDING OFFICER  
District Consumer Court,  
Gujranwala.