

**IN THE COURT OF SOHAIL NASIR DISTRICT AND SESSIONS**  
**JUDGE/JUEGE CONSUMER COURT,**  
**RAWALPINDI**

*(Case No. 62 of 01.09.2012)*

*M/S British Lab through its owner Shahid Mehmood House No. 1, near  
DSP Office, Royal plaza, Tehsil Gujar Khan and district Rawalpindi*  
**(Claimant)**

**Versus**

*M/S Biologics Int through its Chief Executive having office No. 1, 1<sup>st</sup> Floor,  
United Centre, Shamsabad, muree Road, Rawalpindi.*  
**(Defendant)**

**Present:** Claimant in person.

**JUDGMENT**

**01.** Service of defendant was made twice, but he did not appear in spite of repeated calls since morning hence he is proceeded Ex-parte.

**02.** Rule 14 (5) of the Punjab Consumer Protection Rules, 2009 permits this Court to decide the claim Ex-parte on the basis of documents available on record if defendant fails to appear on the day of hearing.

**03.** M/S British Lab had purchased a "Hematology Analyzer" from defendant on 18.05.2011 through an agreement for Rs. 425000/- (four lac and twenty five thousand). This was a transaction based on installments and till today claimant has paid an amount of Rs.335000/- (three lac & thirty five thousand) to defendant. A warranty for machine was also issued by defendant showing the warranty period for one year which had started on 09.09.2011 and has to expire on 08.09.2012. Original agreement and warranty are part of file.

**04.** Claim of claimant is that some defects were found in product and when defendant was contacted repeatedly to remove the same on the basis of warranty, there was no action on its part; legal notice was served to defendant but of no consequences.

**05.** Claimant's claim that he suffered loss in business for Rs. 120000/- (one lac & twenty thousand) mental torture, pain, agony, anguish and anxiety etc. Rs. 500000/- (fifty thousand), loss of honour and injury Rs. 330000/- (three lac & thirty thousand) and counsel fee Rs. 50,000/- (fifty thousand) total Rs.1000000/- (ten lac) and he had prayed the relief in above stated terms.

**06.** I have examined the original agreement as well as original warranty which fully support the version of claimant as narrated in his claim. It was the duty of defendant to cure the defects as the warranty

was still alive but it appears that he did not respond in a way as he was bound.

**07.** The case of claimant is of provision of defective product and services. There is no rebuttal to the version of claimant hence without any further discussion this claim is accepted.

**08.** Coming to the question of relief, in the given circumstances it can be safely held that due to defects in product and non provision of services to cure the same there was a loss of business to claimant who is running a lab at Gujar Khan. He approached defendant repeatedly while traveling from Gujar Khan to Rawalpindi so element of torture, pain, agony and anxiety is also there, however, claim for amount of Rs. 5,00,000/- is not justified. No certificate from Advocate for payment of fee has been placed on record, hence relief for compensation of Rs. 50,000/- cannot be granted. Similarly, from contents of claim I do not find any convincing material for loss of honour and injury.

**09.** Therefore, in pursuance to section 31 of the Punjab Consumer Protection Act, 2005, I issue an order to the defendant directing him to take following actions: -

- a) To return to the claimant Rs. 335000/- (three lac & thirty five thousand) the price of product paid by claimant till today.
- b) To pay an amount of Rs. 120000/- (one lac & twenty thousand) as compensation because of loss in business.
- c) To pay an amount of Rs. 100000/- (one lac) as damages to claimant.

**10.** All actions shall be executed within fifteen days from today. File after due completion shall be consigned to record room.

**Announced**  
08.09.2012

**(SOHAIL NASIR)**  
District & Sessions Judge/  
Judge Consumer Court,  
Rawalpindi.

It is certified that this judgment consists of two pages. Each page has been dictated, read, corrected and signed by me.

**(SOHAIL NASIR)**  
District & Sessions Judge/  
Judge Consumer Court  
Rawalpindi