

**In the Court of Qamar Ijaz
District & Sessions Judge/ Presiding Officer
Consumer Court Districts Sheikhupura, Nankana-Sahib, Kasur &
Lahore.**

Complaint No	297/2017
Date of institution	14-06-2017
Date of decision.	31-07-2018

Ali Zainul Abidin Naqvi s/o Syed Faiz Ul Hassan Naqvi r/o Nashaiman Iqbal, Phase-1, Khayaban-e-Jinnah, Lahore.

Complainant

Vs

- 1. Muzaffar Ali, Manager, Sigma Refrigeration 87/C, Temple Road, Lahore.**
- 2. Al-Rehman Electronics 405/E-Block, PIA Road, WAPDA Town, Lahore through its Manager.**

Defendant

**COMPLAINT U/S 25 OF THE PUNJAB CONSUMER PROTECTION
ACT 2005.**

ORDER.

Mst Amina Waheed Paracha, through her father Abdul Waheed Paracha has filed instant complaint stating therein that her washing machine automatic NA-F5001T went out of order. She telephonically contacted the defendant who agreed to remove the defect against fixed fee of Rs. 1000/- Defendant checked the machine in the house of complainant and asked the complainant to shift the machine at his shop where it was sent on 17-10-17. The defendant further received Rs. 6000/- on account of repairing from the complainant. After receiving the machine and on checking, fault still existed. The complainant again informed the defendant who asked to send the machine at his shop and again complainant sent the machine for third time. Despite receiving repair fee, the defect is still in existing for which complainant sent a legal notice to defendant which was not replied. Hence the complaint for recovery of Rs. 15,000/- as damages.

2. Defendant submitted his written statement and raised several legal /factual objections regarding maintainability of complaint. On merits he contended that complainant sent her machine to his shop which was repaired and fee Rs. 6000/- was charged and also paid Rs. 1000/-

as fee for visiting her house to check the machine. Dismissal of complaint is sought.

3. The father of complainant in his affidavit reiterated the claim of the complainant. The complainant also filed affidavit in this regard. Defendant by submitting his affidavit denied claim of complainant however admitted charging repair fees of Rs. 6000/- plus Rs. 1000/-.

4. While arguing the father of complainant contends that defendant has cheated the complainant in repairing the washing machine. On the other hand learned counsel for the defendant contends that defendant has repaired the machine according to his best abilities and has removed the defect showing willingness to remove any defect in the machine. Relationship of consumer and service provider is established. The defendant has charged Rs. 6000/- on account of gear box and shak repair besides charging Rs. 1000/- for visiting the house of complainant.

5. In the circumstances and keeping in view the restrictions contained U/S 15 and as provided U/S 31 of PCPA 2005, instant complaint is allowed partially to the effect that defendant shall repair gear box and shak of the washing machine and shall remove all defects from it to the complete satisfaction of complainant failing which he has to return recovered charges Rs. 6000/-. Since the complainant has filed the complaint in person, she is not entitled for any litigation charges or damages. To the remaining extent claim being not justified is declined and complaint is dismissed.

Qamar Ijaz

**Announced
31-07-2018**

**D&SJ/Presiding Officer
District Consumer Court LHR.**

It is certified that this Order consists of two pages which have been dictated, corrected and signed by me.

**Announced
31-07-2018**

**Presiding Officer
D&SJ/P.O, DCC, LHR**