

**IN THE COURT OF PERVEZ IQBAL SIPRA,
DISTRICT & SESSIONS JUDGE / PRESIDING OFFICER,
DISTRICT CONSUMER COURT,
FAISALABAD.**

Complaint No	177/2017
Date of institution	28.04.2017
Date of decision	30.10.2017.

Aziz-ur-Rehman S/o Nazir Muhammad R/o House No.P-148, Street No.2, Mohallah Dastgir Colony, Faisalabad.

Versus

1. Noor Electronic, situated at Kotwali Road, Faisalabad.
2. General Manager Orient Company head Office / Factory, 26 Kilometer Multan Road, Lahore.

Claim u/s 25 the Punjab Consumers Protection Act, 2005.

ORDER:

The claimant has filed this complaint by contending that he purchased an air-conditioner model MD10, from defendant No.1, on 17.03.2016 and he issued a receipt in the respect on the same date. The warranty card was also handed in to him in which the warranty of the compressor had been given for three years and the warranty for other parts of the air-conditioner was for one year. After two months, the air-conditioner stopped to make cooling and then, he contacted with defendant No.1. He despite replacing the air-conditioner by new one, made repair and the receipt / check sheet bearing No.145 was issued. In September 2016, the air-conditioner again stopped to make cooling and went out of order. He contacted with defendant No.1 but he adopted evasive conduct and then, he contacted with defendant No.2 but his grievance was not redressed. He again contacted with defendant No.1 on 25.02.2017 and on 14.03.2017, the company was contacted but of no avail. He gave notice u/s 28 (1) of the Punjab Consumers Protection Act, 2005, to the defendants on 10.04.2017 but no reply, hence, the instant complaint.

2. The defendants were summoned through Process Server and registered post. Defendant No.1 appeared before the court but defendant No.2 did not appear before the court and ultimately, the summons was got published in the newspaper "Daily Express" Faisalabad but despite all it, no one appeared before the court on behalf of the defendants and consequently, they were proceeded against ex-parte.

3. The ex-parte evidence of the claimant has been recorded.

4. Arguments heard, record perused.

5. The claimant himself entered into the witness box and got his statement recorded as PW1 and reiterated the contents of the complaint. The receipt regarding purchase of the air-conditioner from defendant No.1 is Ex-P1 which shows that the claimant purchased it on 17.03.2016 for Rs.31,500/-. The warranty card of the air-conditioner is Ex-P2. As per terms and condition of the warranty, the compressor if did not work, would be replaced by new one and the other parts mentioned therein would be replaced within one year. On 14.05.2016, the air-conditioner was repaired and in the respect thereto, check sheet was issued, the copy of which is Mark P/A. In the check sheet, the nature of the fault has been mentioned "cooling". The air-conditioner was repaired and then handed over to the claimant. After some period, the air-conditioner again stopped cooling and went out of order in September 2016. The complaint in hand has been filed on 28.04.2017 while the warranty for parts of the air-conditioner except the compressor lapsed on 16.03.2017. The claimant's grievance was not redressed when he contacted with

the defendants in September 2016. The claim might be filed within thirty days but the claimant came to the court on 28.04.2017. The claimant has submitted an application u/s 28 (4) of the Punjab Consumers Protection Act, 2005, for extension of time whereby he has stated that the defendants remained promising to redress his grievance, therefore, the delay caused. If it is accepted a sufficient reason, the claim also is time barred because for the last time, stately, the claimant contacted with defendant No.2 on 14.03.2017 and no promise for redressal of grievance lateron, was made. If it is deemed that on this date, the cause of action accrued, the claimant might file claim within thirty days till 13.04.2017. He filed the claim on 28.04.2017 and no sufficient cause has been shown for delay more than thirty days in filing the claim after 14.03.2017, when lastly, the claimant was denied for redressal of his grievance. In the circumstances, the time may not be extended and the complaint is deemed time barred, therefore, is not entertainable. Without crossing the barrier of limitation, it will not be appropriate if the other merits of the case are discussed.

6. For what has been discussed above, the complaint in hand is dismissed. After due completion, the file be consigned to the record room.

Announced
30.10.2017

(Pervez Iqbal Sipra)
District & Sessions Judge/
Presiding Officer,
District Consumer Court, Faisalabad.

Certified that this order consists of three pages and each page has been dictated, read, corrected and signed by me.

Dated
30.10.2017

Presiding Officer,
District Consumer Court, Faisalabad.

Short order**Present:-****The learned counsel fore the claimant.****ORDER**

The ex-parte evidence of the claimant has been recorded.

2. Arguments heard, record perused.

3. Vide order dated even passed in English separately, the complaint in hand is dismissed. After due completion, the file be consigned to the record room.

Announced
30.10.2017

(Pervez Iqbal Sipra)
District & Sessions Judge/
Presiding Officer,
District Consumer Court, Faisalabad.