

**IN THE COURT OF EJAZ AHMAD BUTTAR
DISTRICT & SESSIONS JUDGE / PRESIDING OFFICER,
DISTRICT CONSUMER COURT,
FAISALABAD.**

Complaint No	1474/10
Date of institution	20-5-10
Date of decision	14-12-10

Binyamin Vs. ZA Mobiles etc.

Petition u/s 25 of Punjab Consumer Protection Act 2005.

EX-PARTE ORDER

Present: - Petitioner in person. Respondent are ex-parte.

Brief facts of the case are that on 3-4-10, the petitioner purchased an I-Phone mobile set from respondents on payment of Rs.5800/-. When the petitioner put it to use, the set went wrong after a while despite that the respondents gave grantee for 6 months. The petitioner kept on contacting the respondents time and again but ultimately they refused to put the suit mobile set in working order. Besides this, the respondents also misbehaved the petitioner. On 10.5.10, petitioner served them a legal notice but still they did not redress petitioner's grievance.

2. Respondents contested the petition by filing their written statement. After failing pre trial conciliation proceedings, petition was fixed for the evidence of petitioner today but nobody appeared on behalf of respondents, therefore, respondents were proceeded ex-parte.

3. Petitioner appeared as PW-1 and also placed on record his sworn affidavit EX-P1 and documentary evidence in support of his claim i.e. copy of legal notice EX-P2, postal receipt EX-P3 and purchase receipt EX-P4.

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4. As petitioner's evidence has not been rebutted by the respondent due to ex-parte proceedings, therefore, the same is relied upon and petitioner's claim is decreed ex-parte in the manner that the respondent shall substitute the suit mobile set by a similar set. They shall also pay an amount of Rs.10,000/- by way of damages for mental / physical discomfort and litigation expenses whereas petitioner's remaining claim is, however, dismissed. After due completion, file be consigned to record room.

Announced
14-12-10

Ejaz Ahmad Buttar,
District & Sessions Judge/
Presiding Officer,
District Consumer Court, Faisalabad.

Certified that this order consists of two pages which have been corrected and signed by me.

Announced
14-12-10.

Presiding Officer,
District Consumer Court, Faisalabad.