

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

Complaint No	1548/10
Date of institution	28-6-10
Date of decision	13-12-10

Ch. Khursheed Hussain Vs. New Shahzad Corporation.

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

EX-PARTE ORDER

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

Brief facts of the case are that in August 2009, the petitioner purchased a cooking range (Cholha) from respondent against warranty for one year on payment of Rs.5500/-. When petitioner's family put the Cholha to use there came out a big flame due to leakage. When petitioner took the same at respondent's shop and complained about its mal-working, the respondent claimed that it was all ok but the Cholha developed problem on reuse. In August 2009 the respondent received it for repair work giving also their business card as a receipt but when the petitioner approached the respondent they did not return Cholha. As a result of their refusal, the petitioner had to purchase a new Cholha. He also demanded from respondent time and again to redress his grievance but the respondent paid no heed nor they responded to petitioner's legal notice dated 18-5-10 hence, this petition for recovery of Rs.22,500/- and refund of sale price of Cholha, petitioner's conveyance charges, damages for sale of defective product and counsel fee.

2. Petition was fixed for filing written statement but today nobody appeared on behalf of respondent, therefore, respondent was proceeded ex-parte.

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3. Petitioner appeared as PW-1 and also placed on record his sworn affidavit EX-P1 and documentary evidence comprising copy of legal notice EX-P2, cash receipt EX-P3 and delivery receipt Mark 'A', in support of his claim.

4. As already stated, petitioner's evidence has not been rebutted by the respondents since proceeded ex-parte, therefore, the same is relied upon and petitioner's claim is accepted ex-parte to the extent of Rs.14,500/- which includes refund of Rs.4500/- as depreciated price of Cholha, Rs.5000/- as compensation / damages for mental / physical discomfort and counsel fee (Rs.5000/-) whereas petitioner's remaining claim is hereby dismissed. After completion, file be consigned to record room.

Announced
13-12-10

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
13-12-10.

Presiding Officer,
District Consumer Court, Faisalabad.