

In the Court of Mahmood Ahmed Shakir Jajja, Presiding Officer/ District & Sessions Judge, District Consumer Court, Bahawalpur

Sardar Israr Hussain Vs Faizan Electronics.

Case No. 227911

Dated of Institution 13-07-2011.

Date of Decision: 25-11-2011.

Present: Parties along with their counsel.
Arguments heard. Record perused.

Order:-

The version of the complainant is that he purchased a Sony TV from Faizan Electronics Giriganj Bazar, Bahawalpur on 26-10-2010 with one year warrantee; that from the first day, its working was poor; that he contacted the respondent who replied that your residence is far away so, you should get the TV checked from local mechanic thereupon, he got checked the TV but it could not be repaired inspite of costing Rs.300/-; that the TV is still completely shut down since 2 months; that the complainant again contacted the respondent but got no positive response; that thereafter, the complainant served legal notice to the respondent on 02-06-2011 which has not been responded. Hence, this complaint with claim of replacement of T.V. and compensation of Rs.30,000/- as physical fatigue and mental torture and agony.

Contrary to it, the version of the respondent is that TV is china made and is not that of Sony Company; that it is correct that the complainant purchased TV amounting to Rs.5500/- and he was issued one year warrantee; that the complainant has used the TV for near about 8 months; that in this duration, no technical fault has been complained; that the complainant himself is responsible for the technical fault of TV because he got repaired it from non technical mechanic of Ahmed Pur East. So, the complaint is liable to be dismissed with costs.

The petitioner in support of his version has placed on record visiting card of the respondent Ex-P1 and receipt of the purchase of TV for Rs.5500/- Ex-P2. The respondent

has also admitted the purchase of TV by the petitioner from him. The dispute between the parties is regarding the manufacturing defects which later on occurred in the functioning of the TV and faulty services provided by the respondent. The version of the petitioner is supported by an affidavit whereas; respondent's written reply has got no strength from any affidavit. Hence, his simple oral denial has got no weight against the documentary evidence and affidavit submitted by the petitioner. The petitioner who is an advocate cannot be expected to move a frivolous complaint if he has got no actual grievance or cause of action. The respondent has impliedly admitted that he could not provide faulty services to the petitioner as he has provided no such facility in Bahawalpur. Accordingly, I am fully convinced that the respondent has provided faulty services to the petitioner. So, he is duty bound to get repaired the TV and if the same is not repairable, to replace the same. The petitioner has also suffered physical and mental torture due to irresponsible behaviour of the respondent and by providing faulty services. Therefore, it is held that the petitioner is entitled to get the TV repaired and if it is not possible to replace the same with a new one or make the payment to complainant. The petitioner is also held entitled to get damages of Rs.20,000/- from the respondent. The petition in hand is accordingly allowed in favour of the petitioner and against the respondent. Notice be issued to the respondent for execution of the order till 02-01-2012.

Announced:

25-11-2011

Presiding Officer