

**In The Court Of Syed Maruf Ahmedali Presiding Officer  
District & Sessions Judge District Consumer Court  
Lahore.**

**Dr. Imran Jawad V/S Rafique Engineering Industries Etc.**

**Order.**

The Petitioner Dr.Imran Jawad has filed a Claim of damages amounting to Rs.100000/- under the Punjab Consumer Protection Act 2005 against the Respondent.

2           Brief facts, according to the Complaint are that the Complainant purchased an Exhaust Fan of Royal brand with life time Warranty manufactured by Respondent No.1 from the shop of Respondent No.2 about six months ago from filing of this Complaint. It is alleged that the Exhaust Fan was on when it caught fire. The fire was so extensive that it damaged the roof, walls and other things hanging on the walls in the wash room. It is also alleged that the Complainant is a patient of Diabetic for the last eleven years and he has been advised to avoid tension. He along with his family suffered from mental torture, tension and trauma caused by defective product of the Respondent Company. He has claimed damages for his Wash Room amounting to Rs. 25000/- and damages for mental torture amounting to Rs.75000/- He has prayed that his claim be accepted

3           The Respondents were summoned who contested the claim through his Written Statement. The Petitioner in order to prove his case appeared in the Witness Box as PW-1 and produced Warranty Card Ex C/1. On the other hand the Respondents produced RW-1 Muhammad Rashid Siddiqui and RW-2 Khalid Mehmood. Both the parties closed their evidence on 18.09.2008.

4           It is contended by the complainant that the Exhaust Fan purchased by him of Royal Brand with a life time Warranty was burned after about six month of its purchase. Due to

which Wash Room caught fire and he suffered a loss of Rs. 25000/- which damaged all the walls of the Wash Room and he and his family also suffered mental torture and trauma and his eleven years old daughter was shocked after the said incident and her school performance also deteriorated .He has further stated that he has been visiting the shop of Respondent No. 2, but he refused to replace the exhaust Fan. He has prayed that his Complaint be accepted and he be granted damages amounting to Rs. 100000/-

5                On the other hand, the counsel for the Respondent has contended that they are ready and willing to replace the Exhaust Fan with a new one and the Claimant is not entitled to damages and he has failed to prove the same and has prayed that this Complaint be dismissed.

6                After hearing the arguments of both the learned counsel for the Parties and perusing the record. According to the evidence given by PW-1 Dr. Imran Jawad, the evidence of RW-1 Muhammad Rashid Siddiqui and RW-2 Khalid Mehmood who have appeared on behalf of the Respondents. It is an admitted fact that Royal brand Exhaust Fan was purchased by the Complainant from Respondent No.2 manufactured by Respondent No.1 for an amount of Rs. 1150/- It is also an admitted fact that it has a life time Warranty. The Warranty card is Ex-C/1. The Exhaust Fan was burned after about six months of its purchase. The Complainant has been visiting the shop of Respondent No.2 for its replacement, but they refused to replace the same. Legal Notice was also issued to the Respondents, but no reply was received by the Complainant. After filing of this case the Respondents have offered him for replacement of the Exhaust Fan, but it was too late, in the day.

7                As far as damages are concerned a strict criteria has been laid under Section 10 of the Punjab Consumer Protection Act 2005, which says: “that where the Consumer has not suffered any damage from the product except the loss of utility, the manufacturer shall not be

liable for any damages expect a return of the consideration or a part thereof and the costs. It is the verbal assertion of the Complainant that his Wash Room has been damaged and he and his family suffered mental torture and trauma. No evidence has been produced by the Complainant to prove the damage to the Wash Room or he and his family suffered any mental torture and trauma.

In view of the afore said reasons this Complaint is partially accepted .Both the Respondents are severally and jointly liable to replace the Exhaust Fan of the Complainant with the same brand and specification with a new one. The Respondents are also burdened with costs amounting to Rs.5000/- which shall be paid by the Respondents within 10 days from the date of this Order.

File be consigned to record room after due completion.

**Announced  
08.10.2008**

**Presiding Officer  
District Consumer Court  
Lahore.**

**Certificate**

Certified that this Order consist of Three (3) pages which have been dictated, read, corrected and signed by me.

**Announced  
08.10.2008**

**Presiding Officer  
District Consumer Court  
Lahore.**