

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

Mohammad Saleem Akhtar Vs

Regional Sales Officer, Mobilink

Case No.2283/11
Dated of Institution: 18-07-2011.
Date of Decision: 04-04-2012.
Petition under section 25 PCPA 2005.

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

Order:-

The version of the complainant is that he got Mobilink connection No.03003712671 in his name and it was also tagged. Sometime earlier, the respondent replaced the sim of the complainant to another person which is not allowed under the law. The complainant contacted again and again to the respondent for getting his sim. It has wasted much of his precious time and he has also suffered business loss. The complainant has claimed damages of Rs.1,00,000/- from the respondent.

From the other side, the respondent has raised many legal objections and has denied the whole version of the complainant. He has also averred that the sim is in use of the complainant and he has not pointed out that for what period it was remained replaced/transferred. According to the respondent, the petition is baseless, frivolous, malafide and is liable to be dismissed. The respondent has also objected that the complaint is not supported by an affidavit. So, the respondent is entitled to get damages from the complainant under section 35 PCPA 2005.

After hearing the arguments and perusal of the record, the court has observed that the complainant has issued legal notice to the respondent Mark-A and its receipt is Mark-B, acknowledgement Mark-C and customer acknowledgement is Mark-D. These documents are un rebutted by the respondent. The complainant has also attached with the complaint affidavit and thus, the relevant objection of the respondent stands repelled. Although, the respondent has denied the transfer of the sim, but under the lines, he has admitted as he has asked that for what period it remained transferred and what kind of loss in terms of money has been suffered by the complainant, these details have not been given by the complainant in the petition.

Therefore, I am convinced that the sim of the complainant was replaced by the respondent and it was restored after repeated efforts of the complainant. Definitely, the complainant has suffered loss of precious time and business and also has faced physical and mental torture. Therefore, he is held entitled to recover damages of Rs.5, 000/- from the respondent. The petition in hand is accordingly allowed as the respondent has failed to provide proper service to the complainant. Execution notice be issued for 07-05-2012.

Announced:
04-04-2012

Presiding Officer