



**IN THE COURT OF MALIK PEER MUHAMMAD  
DISTRICT & SESSIONS JUDGE, DISTRICT  
CONSUMER COURT, SAHIWAL.**

**TARIQE NAVEED S/O ATTA MUHAMMAD R/O STREET NO.2, BASTI  
REHMAT PURA, OKARA.**

.....CLAIMANT

Versus

**UFONE COMPANY HEAD OFFICE, 13-B-F-7 MARKAZ JINNAH SUPER,  
ISLAMABAD.**

.....DEFENDANT

**CLAIM UNDER THE PUNJAB CONSUMER PROTECTION ACT 2005.**

**ORDER**

1. The plaintiff moved the claim against the defendant ufone Company to proceed against for the defective and faulty services. According to the contents, the claimant was a consumer of ufone Company under the SIM No. 0334-7861718 which was stolen by ufone Company and his balance was also diminished. Claimant submitted that on 13-06-2010 when he used his cell number a message of registration failed emerged on the screen. He contacted to the Company's help line on 333 and he was informed that duplicate SIM has been issued and its record is not available. The claimant was also told to contact with ufone Sales & Services Center, Sahiwal. Claimant allegedly approached to the said office alongwith original documents and he was informed that duplicate number of his SIM has been illegally issued and ported out on another network Zong. The said office told him that written application given to them so that SIM and balance may give back to him and they told him that all the proceedings will be completed within 24 hours but nothing was done till 20-10-2010 whereupon he sent legal notice and hence the claim.

2. The claimant claimed that effective steps be taken against the defendant Company against its illegal action and provision of defective services further the claimant be awarded compensation to the tune of Rs. 5,00,000/- (Five lac rupees).

3. The defendant contested the claim and filed the written statement and denied all the allegations and raised many objections.

4. Parties led the evidence. The claimant recorded his statement and supported the claim. On documentary side claimant produced a copy of the complaint made against the ufone Company to the Director Complaint Cell ufone Pakistan dated 13-06-10 as Ex-PA, copy of the letter wrote by ufone company to PTA dated 30-06-2010 as Ex-PB, copy of the letter wrote by ufone company to PTA dated 28-09-2010 as Ex-PC, copy of the legal notice served on defendant company dated 20-10-2010 as Ex-PD, post office receipt as Ex-PE and closed his evidence. From the contrary/defence side Syed Natiq Ali, Service Center Incharg, Sahiwal appeared as Rw-1 and recorded his statement. On the documentary side defendant produced copy of the FIR as Ex-R1, exit report Ex-R2, application to DPO as Ex-R3, attested copy of police report Ex-R-4, affidavit as Ex-R-5, order Alaqa Magistrate as Ex-R6, Authority letter as Ex-R7, recharge record of SIM in questioRx-R8, list of claimant's other Nos as Ex-R9, Cellular Services Agreement form as Ex-R10, copy of application to SHO as Mark-A, application for provision of security as Mark-B and closed the defendant's evidence.

5. Arguments heard. Record perused.

6. As far as the objection raised by the defendant that claimant has no locus standi to file this claim is concerned, Ex-R10 the copy of the Cellular Services Agreement Form indicates that claimant had purchased the SIM of the defendant Company and clamant hire the services of this Company after paying consideration. Claimant has become a consumer of the company and cellular company becomes service provider and every consumer can file claim against any service provider company against its defective and faulty services. So the claimant has locus standi to file this claim. While the objection raised by the defendant that this Court has no jurisdiction to try this case is concerned, purchase of the SIM from Okara is admitted fact. Furthermore a lot of offices of defendant Company run its business under the territorial jurisdiction of this Court. As far the porting out of the SIM in question from Kunry Sindh is concerned, defendant has not produced any documentary evidence that it has been porting out from Kunry and cause of action arose there and not in the territory of this Court. So this Court has jurisdiction to try this claim. Ex-PB, letter dated

30-06-2010 wrote by ufone Company to Director PTA clearly states that they investigated the issue and would like to clarify that the inconvenience faces by the claimant due to certain irregularity performed by their ushopes, however they have taken serious notice of the issue and as per their policy, culpable ushopes has been penalized and warning letters have been issued and they also appreciate complainant's cooperation in this regard. This letter clearly shows that there are some irregularities had been committed on the part of the defendant company. Ex-PC letter dated 28-09-10 wrote by ufone Company to Director PTA where balance Rs. 2803/- had been admitted, however claimant was required some documents i.e written and signed complaint, scanned image of previous ufone SIM card/SIM jacket and scanned image of original CNIC to port back the number in question to ufone network. It is also mentioned in this letter that company had already initiated the necessary steps in order to avoid future repetition of the same event. And they are highly appreciative for complainant's understanding in this context. The claimant deposed in his statement that when his SIM was blocked, he contacted to the Company help line 333 where he was required contact to the Sales & Service Center, Shival, and on 14-06-2010 he visited the said office where he produced original SIM, SIM Jacket and Customer Copy and they scanned them and told him to give an application so that they may return his SIM and SIM balance. During the lengthy cross examination there is a no suggestion was put to the witness that he is telling a lie and it is incorrect. It means that the version of the claimant is admitted.

7. Next objection raised by the defendant is that claim is time barred. Ex-PC letter wrote by Ufone Company to Director PTA where balance Rs. 2803 had been admitted bearing the date 28-09-10 whose copy was sent to the claimant through E. mail address of the claimant. Whether claimant issued a legal notice to the company on 20-10-2010 and filed this claim in this Court on 10-11-2010 hence this claim is within time.

8. The plaintiff has proved that defective and faulty services provided to him by the defendant whether defendant could not prove that he had provided fault free services towards the consumer.

9. The plaintiff proved that he being a consumer, suffered loss only due to the defective and faulty service of the defendant company. The

defendant company exceeded the limits to provide safe and sound services to the consumers to the extent that every consumer has a right to use his legal number and would not be used for any illegal porting out. Every customer has fundamental right to use his loaded balance and no one can be allowed to deprive of him from his right.

10. So the defendant ufone Company is hereby directed to remove such defects in respect of the SIMs of the company. The defendant company will be careful and bound to satisfy its customers in future

11. Secondly the defendant is directed to pay back diminished balance of the claimant i.e Rs. 2803/- (Two thousand eight hundred three rupees) to him and activate his SIM. Claimant is also directed to co-operate with the Sales & Service Center, Sahiwal for this purpose. Furthermore defendant would also pay a token compensation to the claimant on the account of charges incurred by him to the amount of Rs. 5,000/- (Five thousand rupees) within a month of this order. Claim is partially accepted.

12. File be consigned after its due completion.

Announced.  
25-04-2010

**Malik Peer Muhammad**  
District & Sessions Judge/District Judge  
Consumer Court Sahiwal

Certified that this order consists of four pages, which have been dictated and signed by me.

**Malik Peer Muhammad**  
District & Sessions Judge/District Judge  
Consumer Court Sahiwal

**Present.**

**Parties are present in person.**

**Vide orders dated today, claim is partially allowed in terms of the order.**

**File be consigned after its due completion.**

**Announced.**

**25-04-11 District & Sessions Judge/District Judge Consumer Court Sahiwal**