

**IN THE COURT OF MUHAMMAD YOUSAF
PRESIDING OFFICER DISTRICT CONSUMER
COURT, GUJRANWALA
Case No.36/11**

Date of institution : 26-02-10.

Date of Decision : 21-09-11.

Saleem Akhtar S/o Bashir Ahmed Caste Khokhar Rahmani R/o Mohallah Eidga, Dingha Tehsil Kharian, District Gujrat, presently resident Sialkot Road, Gujranwala.
(complainant)

Vs.

Mobilink Communication (Pvt) Limited etc. (respondents)

COMPLAINT UNDER SECTION 25 OF THE PUNJAB CONSUMER PROTECTION ACT, 2005.

JUDGMENT:

1. Saleem Akhtar a resident of Sialkot Road, Gujranwala, claiming himself Owner of New Ittfaq Furniture manufacturing firm Dinga District Gujrat, has filed the instant complaint with the accusation that he has purchased a sim of respondent's company with No.0300-6287637 and has not only been using the same for calls to his personal friends but also has used the same number for progress of his business by printing the same on visiting cards and letter paid but 11 days earlier issuance of legal notice, duplicate sim was issued from the network of respondent's company to some other person who has misbehaved with callers and in this way complainant's reputation has been damaged besides monetary loss. Complainant has claimed Rs.2500000/- as compensation for agony and loss of business besides Rs.23000/- as litigation charges.

2. The complaint was resisted by the respondent, who has denied the allegations of issuance of duplicate sim in written reply.

3. Reconciliation proceedings remained unsuccessful whereupon parties were required to produce evidence.

4 Complainant has got recoded his own statement besides statement of PW2 Syed Husnain Raza.

5. Conversely, there is statement of RW1 Usman Tahir Customer Services Representative of respondent's company Gujranwala office who has denied the allegation leveled by the complainant and Computer Operated Information as Exh."R2" has been placed on record to prove that sim is uptill now in the name of complainant.

6. Respective arguments of parties have been heard, record perused.

7. On behalf of complainant although original sim Exh. "P3" and purchasing receipt Exh. "4" have been placed on record but these documents are not substantiating in any way the allegation of issuance of duplicate sim as has been alleged by complainant in his complaint and in his statement as PW1. On behalf of complainant only oral evidence in support of aforesaid allegation is available which is being rebutted through Exh."R2", hence oral evidence can not be preferred over the documentary evidence of respondent. In such like eventuality, complainant's allegation issuance of duplicate sim is not being established relief prayed for compensation, agony etc can not be granted. As such the instant complaint is hereby dismissed. File be consigned to record room after is due completion.

Announced:

21-09-11

(MUHAMMAD YOUSAF)
Presiding Officer
District Consumer Court,
Gujranwala.

Certified that this judgment is consisting of two pages, which have been dictated corrected and signed by me.

21-09-11

(MUHAMMAD YOUSAF)
Presiding Officer
District Consumer Court,
Gujranwala.