

**IN THE COURT OF MUHAMMAD YOUSAF  
PRESIDING OFFICER DISTRICT CONSUMER  
COURT, GUJRANWALA  
Case No.139/11**

Date of institution : 26-07-11.

Date of Decision : 07-10-11.

Abaid Ullah Gorla Advocate S/o Sanaullah Caste Jut R/o Arfat Colony Gujranwala.  
(complainant)

Vs.

M.B Zulfiqar Sadar Amjuman Tajraan Mobile Dealer, Danial Mobile Center Awais Plaza G.T  
Road, Gujranwala. (respondent)

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

**EX-PARTE JUDGMENT:**

1. Abaid Ullah Gorla, Advocate by profession has filed the instant complaint with the accusation that on 21-10-11 he has purchased a Mobile Nokia 6700S in Rs.9000/- from respondent and a receipt was issued in his favour. According to the complainant, respondent has given warranty of 4 months that in case of any fault, it may be returned. Complainant's version is that on checking at home on the same day of purchase, mobile phone was found defective as memory card was not being installed properly whereupon on next day he went to the respondent's shop with the demand of return of defective mobile phone but it was refused and he was misbehaved. Complainant has claimed Rs.1,00,000/- as compensation for agony besides price of defective mobile and litigation charges incurred by him.

2. Respondent was summoned but no one appeared on behalf of the respondent in spite of service whereupon ex-parte proceedings were taken against the respondent.

3. In ex-parte evidence, complainant has got recorded his own statement as PW1, while on documentary side purchase receipt Exh.P1, legal notice Exh.P2 and postal receipt Exh. "P2/1", registered envelope Exh."P3" with report have been placed on record.

4. Arguments of learned counsel for the complainant have been heard. Record perused.

5. Complainant while appearing as PW1 has corroborated the contents of complaint. Through receipt Exh."P1" purchase of disputed defective mobile phone set from respondent is being proved. There is nothing in rebuttal and also complainant was not cross examined, so this Court has left no option but to rely upon the same, so complainant is declared entitled for return of purchase price of defective mobile phone Rs.9000/- and on receipt of price, he will handed over the defective mobile phone set to the respondent. As far as the claim regarding compensation/damages is concerned, no evidence has been produced regarding loss which actually complainant has suffered. As such he is not declared entitled for the same. However, Rs.10000/- are also awarded as litigation charges. Respondent is directed to pay Rs.19000/- to the complainant within 30 days of announcement of this judgment. File be consigned to record room after is due completion.

**Announced:**

07-10-11

**(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.

07-10-11

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