

**IN THE COURT OF MUHAMMAD YOUSAF
PRESIDING OFFICER DISTRICT CONSUMER
COURT, GUJRANWALA
Case No.43/11**

Date of institution : 18-03-11.

Date of Decision : 06-09-11.

Sajjad Hussain Advocate R/o 240-Complainant Satellite Town, Gujranwala.
(complainant)

Vs.

1. Faisal Afzal Saiique Director/CEO MS Security AZ (Pvt) Ltd., 14-L/1 Gulbark-III, Lahore.
2. Director Wire line Licensing, PTA Headquarter, Islamabad. (respondents)

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

EX-PARTE JUDGMENT:

1. Complainant, an advocate by professional has filed the instant complaint against Director/CEO MS Security AZ (Pvt) Ltd., a tracker company and Director PTA with the accusation that he availed the facility of tracker system in his owned car Toyota Vitz registration No.09-7200 provided by respondent No.1 company in the year of 2009 and the system was installed at Gujranwala on payment of Rs.25000/30000- but the service remained faulty and on crossing the fence on so many occasions, no indication/information was conveyed to him for which under the agreement respondent's company was bound down. According to the complainant he has availed the facility for mental peace but because of negligence of respondent's security company, he has suffered agony and as such he is entitled to recover Rs.500000/- as damages/compensation besides Rs.32000/- paid to the respondent No.1 for installation charges and was rent. He has also claimed Rs.25000/- as counsel fee and litigation charges.

2. Service upon respondent No.1 was effected through proclamation as ordered by my learned predecessor but no one appeared on behalf of the respondent No.1 where upon ex-parte proceedings were taken while on behalf of respondent No.2 representative made appearance, filed the written reply but at the time of evidence remained absent.

3. In ex-parte evidence, complainant has got recorded statement of Muhammad Shahid G.M Master Tile besides his own statement as PW2. According to PW1 Muhammad Shahid, he has convinced complainant to get installed tracker system from respondent's company but later on he has informed him that it was not working properly. Complainant while appearing as PW2 corroborated the complaint and also has tendered documentary evidence Exh. "P1" to "P6".

4. He has also deposed that because of faulty service of respondent's company he has got the tracker system disconnected on 20-03-11. There is nothing in rebuttal and also the PWs were not cross examined, so this Court has left with no option but to rely upon the same, particularly there is no cross examination, complainant has made available the proof regarding payment of Rs.25000/- as installation charges and Rs.70000/- as rent, so he is declared entitled to recover afore mentioned Rs.32000/- from respondent No.1.

5. He has claimed Rs.500000/- as damages and agony allegedly he has faced because of faulty service of respondent No.1 company and in this regard his own statement is available on the record but so much high amount is not found justified and only Rs.50000/- are awarded as damages/compensation. Complainant has also placed counsel fee certificate according to which Rs.25000/- were paid, so he is also declared entitled for the same. Although respondent No.2 has been made party but role of respondent No.2 is only as licensing authority and there is no allegation against respondent No.2 of providing of faulty services. Undeniably respondent No.2 is also not party in agreement between respondent No.1 and complainant, so no damages are awarded against respondent No.2.

6. Complainant has also requested for to suspend the license of respondent No.1 but except the grievance of complainant, no proof has been made available on record regarding providing of defective services to other customers, hence said prayer is declined. Respondent's company is directed to pay Rs.107000/- within 30 days of announcement of this judgment. File be consigned to record room after is due completion.

Announced:
06-09-11

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

Certified that this judgment is consisting of two pages, which have been dictated corrected and singed by me.
06-09-11

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