

**IN THE COURT OF PERVEZ IQBAL SIPRA,  
DISTRICT & SESSIONS JUDGE / PRESIDING OFFICER,  
DISTRICT CONSUMER COURT,  
FAISALABAD.**

Complaint No	06/2016
Date of institution	06.01.2016
Date of decision	28.02.2017.

Ghulam Mustafa S/o Ali Muhammad R/o House No.15 UAF  
Faisalabad.

**Versus**

1. Nawaz, Adil Mobile Katchary Bazar, Faisalabad.
2. Shehbaz, Adil Mobile Katchary Bazar, Faisalabad.
3. Shamraiz Butt, Adil Mobile Katchary Bazar, Faisalabad.

**Claim u/s 25 of the Punjab Consumers Protection Act, 2005.**

**ORDER:**

The facts giving rise to this complaint are that the claimant purchased a mobile phone set Q-Brand Model R900 EMEI No.04644 for consideration of Rs.1600/- from the defendants on 11.12.2015 which was defective. The claimant contacted with the defendants and asked him to replace the mobile phone set. The defendants firstly admitted to replace the set but after several visits and requests of the claimant, flatly refused to redress his grievance on 17.12.2015. He gave notice u/s 28 (1) of the Punjab Consumers Protection Act, 2005, to the defendants, but of no avail, hence, the instant complaint.

2. The summons were issued to the defendants through the process server and registered post but he could not be served. Ultimately, the summons was got published in the newspaper "Daily Express" Faisalabad, but despite all it, they did not appear before the court and consequently, were proceeded against ex-parte.

3. The ex-parte evidence of the claimant has been recorded.

4. Arguments heard, record perused.

5. The claimant entered into the witness box as PW1 and submitted affidavit Ex-P1. Through his affidavit, he reiterated all the contents of the complaint. Haider Ali PW2 through his affidavit Ex-P2 also supported the version of the claimant. The photocopy of notice u/s 28 (1) of the Punjab Consumers Protection Act, 2005 is Mark P/A. The receipt Mark P/B shows that the mobile phone set in question was purchased from the defendants. There is no evidence on record in rebuttal, therefore, the court has no option but for accepting the ex-parte evidence of the claimant as true. Hence, the complaint in hand is accepted and the defendants are directed to pay Rs.500/- which was received from him as replacement charges and Rs.1600/- as price of mobile phone set, to the claimant, on handing over the defective product to him. Section 10 of the Punjab Consumers Protection Act, 2005, restricts to grant damages, where the consumer has not suffered any damage from the product except the loss of utility. The claimant only suffered the loss of utility and no further damage was caused, therefore, he is not entitled to damages, however he is held entitled to costs amounting to Rs.5000/- incurred on legal proceedings. The defendants are directed to comply with this order and if they fail to comply with this order, the proceedings u/s 32 (2) of the Punjab Consumers Protection Act, 2005 will be initiated against him. The Registrar of this court is directed to send a copy of this order to the defendants

free of costs and the receipt thereof be ensured and got acknowledged. After due completion, the file be consigned to the record room

**Announced**  
**28.02.2017**

**(Pervez Iqbal Sipra)**  
District & Sessions Judge/  
Presiding Officer,  
District Consumer Court, Faisalabad.

Certified that this order consists of three pages and each page has been dictated, read, corrected and signed by me.

**Dated**  
**28.02.2017**

Presiding Officer,  
District Consumer Court, Faisalabad.

**Short order**

**Present:-**

**The learned counsel for the claimant.**

**ORDER**

Arguments heard.

2. Vide order dated even passed in English separately, the complaint in hand is accepted and the defendants are directed to pay Rs.500/- which was received from him as replacement charges and Rs.1600/- as price of mobile phone set, to the claimant, on handing over the defective product to him and also to pay Rs.5000/- as costs incurred on the legal proceedings. After due completion, the file be consigned to the record room.

**Announced**  
**28.02.2017**

**(Pervez Iqbal Sipra)**  
District & Sessions Judge/  
Presiding Officer,  
District Consumer Court, Faisalabad.