

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

Complaint No	80/2015
Date of institution	28.03.2015
Date of decision	16.08.2017.

Haji Liaqat Ali S/o Haji Wali Muhammad General Manager
Mubarik Processing Mills, Sargodha Road, Faisalabad.

Versus

Hassan Raza, Proprietor Jugno Mobiles, Nalka Kohala Morr, near
MCB, Sargodha Road, 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 data cable for I-Phone-V mobile set from the defendant, on 08.03.2015, for Rs.300/- and the defendant gave warranty of one year and also assured that he was responsible for any damage of manufacturing fault or lack of performance of the data cable. He attached the data cable with I-Phone-V mobile set for charging but after a minute, the mobile phone set shut-down and stopped working. His mobile phone set also sustained damage due to the defective data cable which he had purchased for Rs.75,000/-. He went at the defendant's shop and told him about the incident but he responded by rough and rude behavior. He gave notice u/s 28 (1) of the Punjab Consumers Protection Act, 2005, on 10.03.2015, to the defendant, but his grievance was not redressed, hence, the instant complaint.

2. The defendant contested the complaint by filing written statement. He denied from the fact that the data cable was

sold by him to the claimant and further alleged that the receipt regarding the purchase of data cable showing to be issued by Jugno Mobiles was forged and fictitious.

3. At pre-trial stage, none of the parties offered for settlement and then the evidence of both the parties was recorded.

4. Arguments heard, record perused.

5. The claimant entered into the witness box as PW1 and submitted his affidavit Ex-P1. He also brought on file the receipt regarding the purchase of data cable Mark P/A. Ex-P2 is the receipt of OCS Pakistan (Pvt) Ltd; showing that the claimant sent notice to the defendant. The copy of notice is Mark P/B. Mark P/C is the certificate by the claimant's counsel showing that his fee for legal services was Rs.30,000/-. On the other hand, the defendant entered into the witness box as DW1 and submitted his affidavit Ex-D1. He also produced the copy of certificate of collection or deduction of tax Mark D/A. The copy of bank statement is Mark D/B and the visiting card of Ali Raza Aulakh (Jugno Mobiles) is Mark D/C.

6. The claimant's case is that he purchased a data cable for his I-Phone-V mobile set but the same was defective. He attached the cable with his mobile phone set and because of a defect of data cable, his mobile phone set damaged and stopped to work. In such like case, the evidence of industry standard is always required but the claimant has just relied on his statement whereby it may not be accepted that the data cable was defective and because of that, the mobile phone set of the claimant damaged. The alleged defective data cable and the mobile phone set have not been

produced before the court and the product was also not got examined by the claimant from any expert to get his opinion whether the data cable was defective and the phone set damaged because of such defect. In the absence of expert opinion or any other evidence of industry standard, the claimant's version may not be accepted true. If without such evidence and proof, the defendant is burdened to compensate the claimant for the alleged damage to the mobile phone set, it will be not justice. As the claimant's claim does not prove for the want of requisite evidence, the complaint in hand is dismissed. After due completion, the file be consigned to the record room.

Announced
16.08.2017

(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
16.08.2017

Presiding Officer,
District Consumer Court, Faisalabad.

Short order**Present:-****Nemo.****ORDER**

Vide order dated even passed in English separately, the complaint in hand is dismissed. After due completion, the file be consigned to the record room.

Announced
16.08.2017

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