

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

Complaint No 43/2018
Date of institution 01.02.2018
Date of decision 28.06.2018.

Inzimam-ul-Haq S/o Muhammad Nisar R/o House No.133, Street No.1, Ayub Colony, Basti Arrian, Jhang Road, Faisalabad.

Versus

Aimash Butt, Wahid Mobile, Katchary Bazar, Faisalabad.

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

ORDER:

By filing this claim, the claimant has contended that he purchased a branded mobile phone set original VIVO Company, Model V7+ from Wahid Mobile, Katchary Bazar, Faisalabad. The seller delivered him receipt and also gave check warranty for two months. He made payment and while present at the shop checked the mobile phone set but the same was not original V7+. He complained to the seller that the mobile phone set was not original and then he said that the mobile phone sets were smuggled from Dubai but that was original V7+. He did not become satisfied and said that he was to purchase the original mobile phone set and did not take smuggled / fake mobile phone set. Then, the seller took back the mobile phone set from him and asked to go away and do what he wanted. He protested and argued and then after one and half hour, the seller said that the mobile phone set should be left with him and he gave him a mobile phone set Model P-9 of Huawei Company and further told that the mobile phone set would not be returned and changed. As he had not other option but for accepting the mobile phone set of Huawei Company Model P-9 and that

mobile phone set was also fictitious and fake. The seller mentioned upon the purchased receipt “Huawei Model A-9” while no such model has come in the market. The IMEI number of the mobile phone set is also fictitious and does not become verified. The defendant sold the mobile phone set with fake IMEI number, therefore, he may be punished and his grievance should be redressed.

2. The defendant contested the complaint by filing written statement. He has contended that he is not proprietor of the Wahid Mobile and never sold the mobile phone set to the claimant. He was only an employee at the shop for repairing the mobile phone sets and now has left his employment. Neither, the mobile phone set was purchased from him, nor he has knowledge about the product in question, therefore, the complaint is not maintainable against him.

3. At pre-trial stage, no one offered for settlement and then, the evidence of both the parties was recorded.

4. The claimant himself entered into the witness box as PW1 and also examined Abdul Rasheed PW2. They both submitted their affidavits Ex-P1 & Ex-P4. The claimant also produced the purchase receipt Ex-P2, the receipt of post office Ex-P3, the copies of IMEI result Mark P/A & Mark P/B and the copy of notice Mark P/C. On the other hand, the defendant entered into the witness box as DW1 and also submitted his affidavit Ex-D1.

5. Arguments heard, record perused.

6. The copy of UMS receipt whereby stately the notice was sent to the defendant is on file which shows that the notice was given to Aimash Butt who is the defendant in this case. The claimant in his cross-examination has stated that the claim has been filed against Aimash Butt and Aimash Butt present before the court was not the person from whom he purchased the mobile phone set. Abdul Rasheed PW2 also has stated that the mobile phone set was not purchased from Aimash Butt the person present before the court. The National Identity Card Number of the defendant is 33102-8267071-3 and admittedly, the claimant does not know him. From this evidence of the claimant, it appears that the mobile phone set was not purchased from the present defendant namely Aimash Butt and he is also not the proprietor of Wahid Mobiles. The notice was also given to him u/s 28 (1) of the Punjab Consumer Protection Act, 2005. As the mobile phone set was not purchased from the present defendant and he is not proprietor of the shop, the claim against him is not maintainable, therefore, is dismissed. However, the claimant may file claim against Wahid Mobile as per law, if so advised. After due completion, the file be consigned to the record room.

Announced
28.06.2018

(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
28.06.2018

Presiding Officer,
District Consumer Court, Faisalabad.

Short order.

Present:-

The learned counsels for the parties.

ORDER

Arguments heard, record perused.

2. 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
28.06.2018

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