

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

Complaint No                    288/2015  
Date of institution            03.10.2015  
Date of decision                15.02.2017.

Khalil-ur-Rehman S/o Ch. Habib-ur-Rehman R/o Chamber No.69,  
District Courts, Faisalabad.

**Versus**

1. M/s Shanire, 114 Kashmir Road, Ghulbarg, Lahore.
2. Manager Shanire, Chine One Road near Salimi Chowk,  
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 ready-made suit from the defendant for Rs.4930/-, two months and 15 days before the institution of this complaint. At the time of selling, the defendant assured that the product was of quality and the color of that would not become faint. The shirt was of black colour with white flowers. At the first wash, the product became discoloured and the white flowers became black. The claimant contacted with defendant No.2 and complained about the defect in product. He said that his claim would be submitted to defendant No.1 but after some days, replied that the claim was not acceptable. He gave notice to the defendants u/s 28 (1) of the Punjab Consumers Protection Act, 2005, but of no avail, hence, the instant complaint.

2.            The defendant contested the claim by filing written statement. He contended that the transaction between consumer and

manufacturer can only be established by a receipt showing the date of sale, description of good, quantity and price etc; but no date of purchase has been mentioned and no receipt also is available on file.

3. The contents of the complaint were completely denied by the defendant and at pre-trial stage, none of the parties offered for settlement and then the claimant was asked to produce his evidence. The claimant produced his witnesses and a date was fixed for cross-examination of PWs. On 07.12.2016, no one appeared before the court on behalf of the defendants and they were proceeded against ex-parte. Today, the counsels for both the parties have appeared before the court.

4. Arguments heard, record perused.

5. The claimant entered into the witness box as PW1 and submitted his affidavit Ex-P1, whereby he swore all the facts which had been mentioned in the complaint. The photocopies of notices stately sent to the defendants are Mark A & Mark B and the receipts of post office are Ex-P2 & Ex-P3, showing that the registered envelope were sent to the defendants on 10.09.2015. Ex-P3 is the card fixed on the product. No receipt has been brought on file, showing that the product was sold by defendant No.2. The warranty card also has not been produced, whereby it may be inferred that the manufacturer had given warranty for colour of the product. As described in Section 4 of the Punjab Consumers Protection Act, 2005, the product may be deemed defective, if it is defective in construction, composition and design. A product may also be

deemed defective, if an adequate warning has not been given and it does not conform to an express warranty of the manufacturer. Neither receipt, nor warranty card is available by showing that the product was sold by defendant No.2 and it does not conform to warranty. In the circumstances, the claim against the defendants is not maintainable, therefore, is dismissed. After due completion, the file be consigned to the record room.

**Announced**  
**15.02.2017**

**(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**  
**15.02.2017**

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 dismissed. After due completion, the file be consigned to the record room.

**Announced**  
**15.02.2017**

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