

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

Complaint No	41/2018
Date of institution	30.01.2018
Date of decision	14.05.2018.

Muhammad Sarfraz Hameed S/o Abdul Hameed R/o House No.P-646,
Street No.11, Nisar Colony, Faisalabad.

Versus

Student Electronics Shop No.79-80, Basement Gallery, Rexcity,
Faisalabad, through proprietor.

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

ORDER:

By filing this claim, the claimant has contended that He purchased a hard-disk 3TB Seagate # HJLS from the defendant on 06.01.2018 for consideration of Rs.6700/- and the defendant issued a receipt in the respect. While selling the hard-disk, the defendant gave him seven days warranty orally and said that if any defect occurred in the product, that would be remedied. After one day, the hard-disk stopped to open and slow and despite sufficient efforts, it could not work. He made a complaint to the defendant and he also checked the product and admitted that the same was not working. On 10.01.2018, he denied to replace or get the product back, upon which he accrued the cause of action. He gave notice u/s (1) of the Punjab Consumer Protection Act, 2005, to the defendant but no reply, hence, the instant complaint.

2. The defendant contested the complaint by filing written statement. He has contended that on 06.01.2018, he sold the hard-disk 3TB Seagate # HJLS to the claimant for Rs.6700/- and also handed in

him the receipt whereupon it clearly was mentioned that “Used items: no return, no warranty”. While purchasing the hard-disk, the claimant checked the same and found working well. The product sold to the claimant was second hand and no warranty for the used items is given. The claimant’s claim is not well founded, therefore, it may be dismissed.

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 submitted his affidavit Ex-P1. He also produced the receipt of post office Ex-P2, the purchase receipt Ex-P3 and the copy of notice Mark P/A. On the other hand, the defendant entered into the witness-box as DW1 and submitted his affidavit Ex-D1.

5. Arguments heard, record perused.

6. The purchased receipt is Ex-P3 which shows that the product was sold by the defendant to the claimant for Rs.6700/-. It has been clearly mentioned on the receipt “used items: no return, no warranty”. The claimant in his cross-examination admitted that the hard-disk which he purchased was used one and branded. At the time of purchasing, the defendant got the product checked to the claimant and he became satisfied about the product working. As per para No.4 of the complaint, the claimant after purchasing the product, used the same and after one day, the defect occurred. It means that for one day, the product remained functional. It strengthens this plea of the defendant that at the time of selling the hard-disk, it was well working and the claimant was satisfied about its working. It was a used product and no warranty was

given by the defendant. It also has been observed that in market, no warranty is given by sellers for used items. The claimant purchased the product knowing that it was used one and there was no warranty by the defendant. In the circumstances, the claimant's claim is not well founded, therefore, is dismissed. After due completion, the file be consigned to the record room.

Announced
14.05.2018

(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
14.05.2018

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
14.05.2018

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