

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

Complaint No	97/2018
Date of institution	12.04.2018
Date of decision	13.04.2019.

Muhammad Tariq S/o Abdul Sitar R/o Mohallah Qureshian Circular Road, Jhang.

Versus

Naseem Abbas, Proprietor Jamil Cycle Store Opposite Riaz Cinema, Sargodha Road, Jhang.

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

ORDER:

This is a complaint filed on behalf of Muhammad Tariq, under the relevant provisions of Punjab Consumer Protection Act, 2005, against Naseem Abbas, the proprietor Jamil Cycle Store Opposite Riaz Cinema, Sargodha Road, Jhang that on 06.11.2017, the claimant purchased a bicycle Panther SPD-1 of the value of Rs.9000/- from the defendant in which afterwards four defects were revealed as mentioned in the paragraph No.3 of the complaint. For which notice Mark P/A was issued via Ex-P2 the receipt of the post office for which no reply on behalf of the defendant was given, hence, the instant complaint.

2. The defendant was summoned through the Process Server and registered post but he did not turn-up. Ultimately, the summons / public notice were got published in the newspaper "Daily Express" Faisalabad. Despite all it, the defendant did not appear before the court and he was proceeded against ex-parte.

3. The ex-parte evidence was got recorded on behalf of the claimant i.e. the statement of the claimant as PW1 and his sworn affidavit Ex-P1 was also submitted in support of his claim alongwith the postal receipt as Ex-P2, copy of legal notice as Mark P/A and receipt of purchase as Mark P/B, the original of which was perused at the time of arguments and was returned to the claimant. All the above evidence has gone un-rebutted.

4. Ex-parte arguments heard and record perused.

5. Although, the claimant has sought total claim of Rs.84,000/- against the defendant but no actual damage or loss other than purchase of substandard product is revealed through the evidence of the claimant, hence, the complaint in hand is accepted ex-parte to the extent of recovery of Rs.9000/- the actual sale amount of the bicycle and further decreed to the extent of compensation of fee of the counsel, though that is also claimed as Rs.25,000/- but no receipt of payment Rs.25,000/- is part of file, therefore, fee of the counsel of the claimant is also determined as Rs.9000/- only, therefore, the present complaint is accepted to the extent of total compensation and claim of the claimant for purchase of bicycle Rs.9000/- and for fee of counsel also Rs.9000/- i.e. Rs.18,000/- in total. The defendant is directed to replace the bicycle with other bicycle of the same kind and defect free, otherwise, he is directed to pay the decreed amount of Rs.9000/- plus Rs.9000/- claimant's counsel fee subject to return of the defective product i.e. bicycle in question by the claimant. Otherwise, the recovery of decretal

amount shall be made in accordance with relevant provisions of Punjab Consumer Protection Act, 2005 on the initiation of the claimant after expiry of two months. After due completion, the file be consigned to the record room.

Announced
13.04.2019

(Javed Iqbal Sheikh)
District & Sessions Judge/
Presiding Officer,
District Consumer Court, Faisalabad
Camp Office, Jhang.

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

Dated
13.04.2019

Presiding Officer,
District Consumer Court, Faisalabad
Camp Office, Jhang.

Short order.**Present:-**

The learned counsel for the claimant.

ORDER

Arguments heard and record perused.

2. Vide order dated even, passed in English separately, the complaint in hand is accepted ex-parte and the defendant is directed to pay the fee of the claimant's counsel Rs.9000/- and replace the bicycle with other bicycle of the same kind and defect free, otherwise, he is directed to pay the decreed amount of Rs.9000/- plus claimant's counsel fee also Rs.9000/- subject to return of the defective product i.e. bicycle in question by the claimant within two months, henceforth. After due completion, the file be consigned to the record room.

Announced
13.04.2019

(Javed Iqbal Sheikh)
District & Sessions Judge/
Presiding Officer,
District Consumer Court, Faisalabad.
Camp Office, Jhang.