

IN THE NAME OF ALLAH ALMIGHTY, THE MOST GRACIOUS AND THE MOST MERCIFUL.

**IN THE COURT OF MUHAMMAD KALEEM SHEIKH,
PRESIDING OFFICER / DISTRICT & SESSION JUDGE,
DISTRICT CONSUMER COURT, FAISALABAD.**

<p>Muhammad Arshad Baig Chak No.202 RB, Faisalabad,</p> <p>(Claimant)</p>	<p>1. Muhammad Raza, Manager Franchise Warid Telecom Awan Plaza Boley Dee Jogi, Faisalabad.</p> <p>2. Ghohar Abbas District Sales Manager Warid Telecom Main Office Warid Telecom Canal Road, Faisalabad.</p> <p>(Defendants)</p>
<p>Claim No: Date of Institution of Claim Date of decision</p>	<p>761/DCC-2009. 31.10.2009. 08.03.2010.</p>

M. Arshad Baig

Versus

M. Raza etc.

Complaint under Consumer Protection Act 2005.

ORDER:-

1. Briefly, the defendants sold out post paid sim No.0322-4486124 to some other person without claimant's knowledge therefore, the claimant submitted an application to the District Sales Manager Warid Telecom Company main Office Warid Telecom Company Canal Road, Faisalabad, (defendant No.2) on 03.09.2009, that the defendant's franchise had wrongly issued the above said sim in the claimant's name as he has never used, it which was later on closed for non

payment but that his personal sim No.0321-6620692 was also closed that therefore, it might be reactivated. As the defendant No.2 has not paid heed to the claimant's request on the above said application, hence, after delivery of legal notice u/s 28(1) of Punjab Consumer Protection Act 2005, through registered cover envelope, the claimant has lodged this claim for recovery of an amount of Rs.47000/- as damages/legal expenses u/s 25 ibid, due to defendant's faulty and defective services.

2. As the claim was prima facie, maintainable in pursuance of the report of Registrar of this court, there being neither existing system of redress nor the regulatory system for individual claims and as it was also within prescribed time limit, therefore, the defendants were summoned to face trial in this case. None appeared for the defendants on 07.11.2009, despite repeated calls till the fag end hours of the court hence, they were proceeded against ex-parte.
3. In his ex-parte evidence, the claimant has got recorded his statement as PW, whereas he has produced Mian Ashfaq Ahmad PW2, through their respective affidavits EX-PW1/1 and EX-PW2/1, in his documentary evidence, the claimant has tendered copies of legal notices Mark "A" and Mark "B".
4. After conclusion of the claimant's evidence, notices were issued to the defendants through registered cover envelopes as a final resort that if they had any case to defend the claim, might appear in person on 20.02.2010, in the court that otherwise, no excuse would be available to them in this regard. However, the defendants dared not to appear in this case to contest the claim.
5. Heard the arguments, record pursued.
6. From the above said scenario, the affidavits sworn by the claimant and Mian Ashfaq Ahmad S/O Mian M. Hassan, the contents of the claim stand corroborated. It is crystal clear, that the defendants have wrongly issued post paid sim No.0322-4486124 in the claimant's name which was later on sold to some other person without claimant's knowledge and thereafter the claimant's own sim No.0321-6620692 was closed arbitrarily which has not so far been reactivated. As such,

the defendant's services are faulty and defective to the extent of the claim, therefore, the claim stands accepted as there is no evidence in rebuttal. However, the defendants shall now pay an amount of Rs.10000/- to the claimant as lawyer's fee, and further amount of Rs.10000/- as compensation total amount of Rs. 20000/-. The defendant shall pay the above said decretal amount to the claimant within a period of 30 days otherwise, the matter shall be dealt with under section 32(2) of Punjab Consumer Protection Act 2005. File be consigned to the record room after its due completion.

Announced
08.03.2010.

Muhammad Kaleem Sheikh,
District & Session Judge/
Presiding Officer,
District Consumer Court, Faisalabad.

Certified that this judgment consists of three pages, dictated, signed and corrected by me.

Muhammad Kaleem Sheikh,
District & Session Judge/
Presiding Officer,
District Consumer Court, Faisalabad