

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

Complaint No	268/2014
Date of institution	02.10.2014
Date of decision	07.03.2017.

Malik Khalid S/o Muhammad Sadiq R/o P-52 Kohinor Town,
Faisalabad.

Versus

Multi Tek Engineering Services, proprietor Ali Rafiq Akhtar
situated at P-83, Mian Colony, 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 one generator and canopy, the detail of which has been given in para No.3 of the complaint from the defendant for Rs.2,25,000/-. When the generator was started, the result thereof was unsatisfactory because of defective material used in the generator that did not work properly. The claimant complained about the defect of the product to the defendant and then he sent his staff / mechanic for checking and received Rs.20,000/- further as consideration but the product did not work properly. He gave notice u/s 28 (1) of the Punjab Consumers Protection Act, 2005, to the defendant, but of no avail, hence, the instant complaint.

2. The defendant appeared before the court and submitted written statement. On 21.02.2017, no one appeared before the court on behalf of the defendant and consequently, he was proceeded against ex-parte

3. The ex-parte evidence of the claimant has been collected.

4. Arguments heard, record perused.

5. The claimant's attorney while appearing before the court as PW-1 reiterated the contents of the complaint. The receipt of post office Ex-P3 shows that the claimant sent an envelope stately containing notice, to the defendant. The photocopy of notice u/s 28 (1) of the Punjab Consumers Protection Act, 2005 is Mark P/A. The receipts Ex-P4 & Ex-P5 show that the generator and canopy in question were purchased from the defendant. Shahid Sohail PW2 through his affidavit Ex-P6 supported the version of the claimant. The claimant stated that ultimately the defendant took the product to his place of business and promised to hand over him new one but lateron refused to redress his grievance. There is no evidence on record in rebuttal, therefore, the court has no option but for accepting the ex-parte evidence of the claimant as true. Hence, the complaint in hand is accepted and the defendant is directed to pay Rs.2,25,000/- which he received as price and Rs.20,000/- received as consideration for service, to the claimant. Section 10 of the Punjab Consumers Protection Act, 2005, restricts to grant damages, where the consumer has not suffered any damage from the product except the loss of utility. The claimant only suffered the loss of utility and no further damage was caused, therefore, he is not entitled to damages, however he is held entitled to costs amounting to Rs.25,000/- incurred on legal proceedings. The defendant is

directed to comply with this order and if he fails to comply with this order, the proceedings u/s 32 (2) of the Punjab Consumers Protection Act, 2005 will be initiated against him. The Registrar of this court is directed to send a copy of this order to the defendant free of costs and the receipt thereof be ensured and got acknowledged. After due completion, the file be consigned to the record room.

Announced
07.03.2017

(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
07.03.2017

Presiding Officer,
District Consumer Court, Faisalabad.

Present:-

The learned counsel for the claimant.

ORDER

Arguments heard.

2. Vide order dated even passed in English separately, the complaint in hand is accepted and the defendant is directed to pay Rs.2,25,000/- which he received as price and Rs.20,000/- received as consideration for service, to the claimant and the defendant have also to pay Rs.25,000/- as costs incurred on the legal proceedings. After due completion, the file be consigned to the record room.

Announced
07.03.2017

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