

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

Complaint No	1512018
Date of institution	11.06.2018
Date of decision	09.08.2018.

Mehmood Anayat Bajwa S/o Ch. Anayat Ali Bajwa R/o Chak No.162 RB, presented address House No.P-15, Faisal City Colony, Faisalabad.

Versus

Proprietor Royal Collection 700/B Satyana Road, Batala Colony, Faisalabad.

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

ORDER:

By filing this claim, the claimant has contended that he purchased a sofa set from the defendant on 05.03.2018 for Rs.70,000/- and the defendant delivered the furniture at his house. He placed the sofa set at his home and in the beginning of May 2018, started to use the same. He then found that the product was defective and there were faults in design and construction etc. The wood used in the sofa set was of low quality. On 20.05.2018, he went at the shop of the defendant and told him that the product was defective and asked him to get the same back and pay him the price but he denied. Then he gave notice u/s 28 (1) of the Punjab Consumer Protection Act, 2005, to the defendant but of no reply, hence, the instant complaint.

2. The summons were issued to the defendant through the process server and registered post but he could not be served. Ultimately, the summons were got published in the newspaper "Daily Mashraq" Faisalabad, but despite all it, the defendant did not appear before the court and consequently, was proceeded against ex-parte.

3. The ex-parte evidence of the claimant has been recorded.
4. Arguments heard, record perused.
5. The claimant himself entered into the witness box as PW1 and submitted his affidavit Ex-P1 whereby he reiterated the contents of the complaint. He also submitted the receipt of post office Ex-P3 whereby he statedly sent the notice to the defendant and the copy of notice is on file as Mark P/A. The receipt Ex-P2 shows that the claimant purchased the furniture from the defendant for Rs.70,000/-. As no evidence is on record in rebuttal, the court has no option but for accepting the ex-parte evidence of the claimant true.
6. The claimant purchased the sofa set from the defendant which was defective and well within time, he informed the defendant and asked him to redress his grievance. The claimant called upon the defendant by sending a notice through registered post and the claim was filed well within time. In the circumstances, the claim is well founded and consequently is accepted. The defendant is directed to pay the price of the sofa set which he received, subject to return of the product. 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 caused, therefore, he is not entitled to damages, however he is held entitled to costs amounting to Rs.10,000/- incurred on legal proceedings. The defendant is directed to comply with this order within sixty days 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. A copy of this order be also delivered to the claimant. After due completion, the file be consigned to the record room.

Announced
09.08.2018

(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
09.08.2018

Presiding Officer,
District Consumer Court, Faisalabad.

Short order.**Present:-****Nemo.****ORDER**

Vide order dated even passed in English separately, the complaint in hand is accepted and the defendant is directed to pay the price of the sofa set which he received, subject to return of the product. The defendant will also have to pay Rs.10,000/- to the claimant as costs incurred on legal proceedings. After due completion, the file be consigned to the record room.

Announced
09.08.2018

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