

(1)

**In the Court of Judge Mian Abdul Ghaffar, District & Sessions Judge /
Presiding Officer, District Consumer Court, Multan**

Mr. Hassan Tariq S/o Muhammad Tariq Basher R/o House No. 518,
Fareed Town Sahiwal.

(Complainant)

Versus

1- Digicom (Q Mobile) Customer Care Center, Business City Plaza,
Bosan Road, Multan through Mr. Bilal Manager.

(Respondent)

Case No. 53/2017

Date of Institution 21.03.2017

Date of decision 22.02.2018

**COMPLAINT UNDER SECTION 25 OF PUNJAB CONSUMER
PROTECTION ACT, 2005.**

ORDER:

1. The brief facts giving rise to this complaint are that the complainant purchased a new mobile phone set in the consideration of Rs. 22,000/- with warranty but the same has been found defective within warranty period and the complainant deposited the mobile in question on 12.01.2017 in respondent's office which is still in the possession of the respondent but till to date, has not resolved the problem of mobile in question. The complainant sent the legal notice to the respondent but the grievance of the complainant had not been redressed by the respondent. The complainant has to suffer both financial and mental loss which is calculated to the tune of Rs. 50,000/- including the fee of advocate amounting to Rs. 35,000/- as well as the price of mobile phone set to the tune of Rs. 22,000/- along with other miscellaneous expenses amounting to Rs. 7000/-.

2. On the other hand, respondent has resisted the complaint of the complainant by filing written statement by raising certain preliminary objections including that the complaint of the complainant is based on

(2)

- 3. Arguments heard, record perused.
- 4. The perusal of record reveals that repair order dated 12.01.2017 of disputed mobile is on the file and sale of mobile phone has not been denied. The possession of the mobile phone set is admittedly with the respondent. Further that the copy of legal notice as well as postal receipt about sending of legal notice is also attached with the file. The complainant has also submitted an affidavit in support of his complaint. This procedure is summary one and regular evidence is not necessary for determination of actual amount. So keeping in view of available evidence and contention of both of the parties, the complaint is allowed by attracting section 31 of the Punjab Consumer Protection Act, 2005 and it is ordered that the Mobile be replaced with similar description which shall be free from any defect as the defective mobile is with the respondent and same has not been returned so far or the actual price of mobile of Rs. 22,000/- be paid. The complainant has suffered mental and financial loss which is calculated in sum of Rs. 15,000/- which will be paid by the respondent and the certificate of lawyer fee is also on the file which is Rs. 35,000/- which is also allowed. The complaint is accordingly partially allowed. File be consigned to record room after its due completion.

Announced
22.02.2018

(Judge Mian Abdul Ghaffar)
District & Sessions Judge/Presiding Officer,
District Consumer Court,
Multan.

Certificate

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