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

Muhammad Arshad Shahid S/o Muhammad Shafee R/o DHQ
Colony, Vehari.

(Complainant)

Versus

1- Manager Branch Surmawala, 35-G Club Road, Vehari .

(Respondent)

Case No. 224/2017
Date of Institution 24.11.2017
Date of decision 11.05.2018

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

ORDER:

1. The complainant brought this complaint with the contention that on 12.07.2017, he purchased a new 100-CC United Motorcycle model 2017, engine No. 321742 chasis No. 02261 from the respondent on installments but on next day, the complainant found that some parts of motorcycle were defective and low standard. The complainant contacted the respondent and told the defective parts of the motorcycle who promised to redress the grievance of the complainant and replace the defective parts of motorcycle but up till today, neither respondent replaced the defective parts of motorcycle nor returned the price of motorcycle paid by the complainant. The complainant also served legal notice on the respondent and same was not replied by the respondent. Hence, this complaint has been filed by the complainant.

2. Due process for the attendance of the respondent was issued but no one appeared from the side of respondent and after adopting due

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course of law, ex-parte proceedings was initiated against the respondent.

3. In ex-parte proof of the complainant, the complainant tendered his affidavit EXP-1 and recorded his statement as PW1 wherein the learned counsel for the complainant has produced original application to the Manager, Surmanwala EXP-2, receipt payment of installment dated 13, August, 2017 Mark-A, receipt payment of installment dated 12, July, 2017 Mark-B, receipt certificate of purchase of motorcycle Mark-C, photocopy of legal notice Mark-D and original postal receipt about sending of legal notice EXP-3 whereas other witness namely Abdul Rehman also tendered his affidavit EXP-4 and recorded his statement as PW2 and Manzoor Ali Shah also tendered his affidavit EXP-5 and recorded his statement as PW3.

4. The learned counsel for the complainant has argued the case and stated that on 12.07.2017, the complainant purchased a new 100-CC United Motorcycle model 2017, engine No. 321742 chasis No. 02261 from the respondent on installments but the respondent had given a second hand motorcycle to the complainant and up till today neither respondent replaced the defective parts of motorcycle nor returned the price of motorcycle paid by the complainant. In support the version of the complainant, PW2 & PW3 are also tendered their affidavits. Due to act of the respondent, the complainant had to suffer financial and mental loss to the tune of Rs. 50,000/- and prayed that the complaint be allowed.

5. I have carefully gone through the record and of the view that the oral as well as documentary evidence as produced by the complainant is un-rebutted and due process for the attendance of the respondent was issued but no one appeared from the side of respondent. The receipt certificate of

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purchase of motorcycle Mark-C shows that the complainant purchased a new 100-CC United Motorcycle model 2017, engine No. 321742 chasis No. 02261 from the respondent but the parts of said motorcycle are not original. The original application to the Manager, Surmanwala EXP-2 is also available on the record which shows that the complainant made a complaint in written to the respondent and it was the duty of the respondent to redress the grievance of the complainant but he failed to do so. The oral evidence as produced by the complainant supports the contention of the complainant. Keeping in view this, it is concluded that due to act of the respondent, the complainant suffered mental as well as financial loss. So the complaint is hereby accepted partially and the respondent shall replace the motorcycle with a new one or to pay the amount of said motorcycle along with Rs. 10,000/- as compensation to the complainant. The fee certificate of advocate is not on the file, therefore, the same cannot be granted as such. File be consigned to record room after its due completion.

Announced
11.05.2018

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

Certificate

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

Dated:
11.05.2018

District & Sessions Judge/Presiding Officer
District Consumer Court, Multan
(Camp Office, Vehari)