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

**Muhammad Samee Ullah S/o Abdul Majeed R/o Basti Arain Ismail,
Zai Colony Near Eid Gha, Multan.**

(Complainant)

Versus

**1- New Mehran Electronics through its proprietor, 81/2 opposite Muslim
Commercial Bank Hussain Aghai Road, Multan.**

(Respondent)

Case No. 18/2016

Date of Institution 13.01.2016

Date of decision 23.05.2018

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

ORDER:

1. The complainant brought this complaint with the contention that he purchased from the respondent a LED vide receipt No. 2827 with one year guarantee in August, 2015 in consideration of Rs. 23,000/- but on 02.12.2015, the said LED became out of order and the complainant visited the shop of the respondent and made a complaint in this regard who flatly refused to redress the grievance of the complainant and caused mental and financial loss to the tune of Rs. 5,00,000/-. 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 and the respondent appeared in the court, filed his written statement and after arguments, the case was fixed for evidence of the complainant but on 21.03.2018, no one appeared from the side of respondent and after adopting due course of law, ex-parte proceedings was initiated against the respondent.

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3. The complainant tendered his affidavit EXP-1 and recorded his statement as PW1 in his evidence on 31.05.2017 and after initiated ex-parte proceedings against the respondent, the learned counsel for the complainant has produced photocopy of legal notice Mark-A, photocopy of postal receipt about sending of legal notice Mark-B, photocopy of purchase receipt of LED Mark-C and fee certificate of advocate EXP-2.

3. The learned counsel for the complainant has argued the case and stated that the complainant purchased the product from the respondent with one year guarantee but on 02.12.2015, the same became out of order and the complainant made a complaint in this regard but neither the respondent replaced the LED with a new one nor returned the amount of said LED to the complainant and he suffered financial as well as mental loss due to act of the respondent and prayed that the complaint be allowed.

4. I have carefully gone through the record and of the view that respondent appeared in the court, filed written statement but on 21.03.2018, the respondent disappeared from the court and after adopting due course of law, ex-parte proceedings was initiated against the respondent. The oral as well as documentary evidence as produced by the complainant is un-rebutted as the respondent is proceeded ex-parte. The photocopy of purchase receipt No. 2827 Mark-C shows that the complainant purchased LED with one year guarantee from the respondent but the same was became defective within guarantee period. The photocopy of legal notice Mark-A as well as photocopy of postal receipt about sending of legal notice Mark-B reveals that complainant sent the legal notice to the respondent and after receiving legal notice, it is duty of respondent to redress the grievance of the complainant but he failed to do so. The oral evidence as well as

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documentary evidence as produced by the complainant supports the contention of the complainant. So in this background, it is concluded that the LED became defective within guarantee period and despite contacts with the respondent, the respondent neither replaced the LED with a new one nor returned the price of said LED amounting to Rs. 23,000/- to the complainant. So the complaint is hereby accepted partially and the respondent shall replace the LED with a new one or to pay the amount of said LED to the tune of Rs. 23,000/- along with fee of advocate amounting to Rs. 10,000/-. The conduct of the respondent caused mental as well as financial loss as is evident from the evidence produced by the complainant. So, Rs. 5,000/- as compensation in terms of financial as well as mental loss is decreed. File be consigned to record room after its due completion.

Announced
23.05.2018

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

Certificate

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

Dated:
23.05.2018

District & Sessions Judge/Presiding Officer
District Consumer Court,
Multan.