

IN THE COURT OF MUHAMMAD SHABBIR HUSSAIN DISTRICT &  
SESSION JUDGE/PRESIDING OFFICER DISTRICT CONSUMER COURT

M.B.Din

CASE. 91-2015

MUHAMMAD SHARIF VS HAJI SAIF M/S Adeel Electronics.

Present: Learned counsels for the parties.

Order:-

Claim for the recovery of damages etc. in the tune of Rs.50,00000/-

Muhammad Shraif claimant in his claim alleged that he is resident of Adda Pahrianwali Tehsil Phalia District Mandi Bahauddin. He is an Ex-Pakistan Navy Leading Electrician, and presently he runs his business in the name and style of Zamindara Autos, due to extreme load shading he <sup>intended to</sup> purchased ~~ed~~ six solar panel of 150 Watts along with UPS 3000/W 24/V. He further narrated that, he approach respondent/defended upon which he claimed that he himself <sup>could get</sup> prepared UPS of good quality and forbade him to purchase China made UPS, resultantly, claimant Muhammad Sharif purchased UPS from the respondent/defendant regarding which he gave warranty of transformer for one year. Claimant further demonstrated that on checking it transpired that respondent/defendant fraudulently provided with him solar panels of 130 W instead of 150 W. On contacting respondent/defendant cunningly responded that manufacturing companies in order to evade taxes mentioned 130-W on the packing of solar panels of 150 W. Further asserted that as soon as he/claimant installed UPS and

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damage but it also damaged other electronic instruments viz, cell phone, its charger and digital wall clock.

2. Respondent/defendant was informed who put blame on the claimant that he wrongly joined connection of UPS, however, respondent/defendant replaced rectifier plates of UPS and received Rs. 3000/- from the claimant he further alleged that after a few days UPS again damage<sup>d</sup> and also caused damage<sup>to</sup> other electronics appliances e.g. ceiling fans energy saver and fan's regulator. Respondent/defendant again got repair UPS which, unfortunately, after two month again get damaged and also caused heavy damage<sup>to</sup> electronic instruments e.g. battery, solar controller, TV, and Washing Machine.

3. Claimant/petitioner again approached respondent/defendant to redress his grievance, upon which respondent demanded Rs. 18000/, on resistance, in presentence of the witness respondent demanded Rs. 6000/ from him for replacement of new UPS. Claimant further alleged that he asked respondent that UPS was under warranty and he is liable to either repair it or replace it but he refused to redress the grievances of the claimant, hence, he got issued legal notice to respondent on 23-06-2015 and then filed the instants claim hence, he is entitled for recovery of damages on account of his heavy damage of house hold electronic instruments and of mental agony and anguish caused by the respondent/defendant.

4. Respondent/defendant put his claim through written reply and denied the claim of claimant and alleged that infact Rs.4200/- was due on the claimant on demand he filed the instant false and frivolous claim against him hence, prayed for it dismissal.

5. Striving of settlement remained failed between the parties hence, both the parties came in the witness box and recorded evidence at the first instance Muhammad Sharif Claimant recorded his statement through his affidavit exhibit P 1, wherein he reiterated his claim. He also produced Ghulam Murtaza PW-2 and Nawaz Butt PW-3 in-addition to, from his side some documentary evidence was also tendered whereas respondent/defendant recorded his own statement as DW-1 and closed his

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6. Learned counsel for the claimant, vociferously, claimed that they had proved their stance not only through ocular accounts but also produced documents which fortified claim of the claimant further alleged that they knocked the door of this court within the stipulated period of time. Next added that respondent/defended is not an expert in his field having no certificate/degree in this regard hence, prayed for acceptance of their claim.

7. Conversely learned counsel for the respondent/defendant vehemently contending that Muhammad Sharif claimant had filed this obnoxious claim against the respondent just to blackmailing and grabbing of monetary gain. Further argued that petition is filed after the period of limitation and prayed for its dismissal.

8. The instant petition/claim is filed by the claimant u/s 25 of the Punjab Consumer Protection Act 2005 read with rule 13 of the Punjab Consumer protection rules 2009. Before parting with petition in hand it is pertinent to mention here that 'The Punjab Consumer Protection Act 2005' is promulgated to protect and safeguard the rights of the consumers. Under this Act consumers may agitate their claim on the plea of defective services and defective products.

9. In the instant claim/petition, claimant alleged that he had purchased solar panels of 150 W from the respondent/defendant who fraudulently, provided him with solar panels of 130 W instead of 150-W. He further alleged that he got prepare a UPS from the respondent as per exhibit P-5. In his claim he clamorously alleged that due to defective UPS all his electronic appliances got damaged details of which already mentioned in the para No.1 supra. As per exhibit P-5 (date is illegible i.e. 25-01-14 or 25-08-14) claimant had purchased six solar panel of 150 W, UPS 3000 W, 24V, exhibit P-5 further indicated that transformer/chock of UPS was warranted for one year. Meaning thereby, in his claim claimant accused respondent of committing fraud while providing him with solar panels of 130 W instead of 150 W. In this regard it is worth mention here that for the time being if respondent had provided solar panels of 130 W to claimant but as per exhibit P-5 the same

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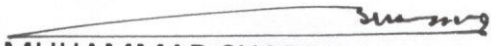
kept mum since the filing of instant petition/claim on 08-07-2015, despite the fact that alleged solar panels of low Watts had no nexus with the later alleged incident. Resultantly to this extent claim of the petitioner/claimant is hopelessly, time barred.

10. Second limb of this claim is/ was that respondent/defended provided claimant with a defective UPS which allegedly caused heavy damage to electronics appliances. In order to prove this stance claimant/petitioner alleged that respondent is not an expert who had no electrical certificate/diploma hence, he prepared defective UPS. In this regard it is worth mention here that claimant/petitioner is an Ex-Pakistan Navy leading Electrician as mentioned in para No. 1 similarly in para No. 2 he alleged electrical formula i.e. volt X ampere = Watt. This would undoubtedly suggest that claimant/petitioner himself is well conversant with electrical knowledge and is expertise in this field. According to his claim respondent got prepared alleged UPS and installed in it <sup>to</sup> ~~low grade~~ <sup>3</sup> instruments of a low quality which not only damaged UPS but also damaged others electronics instruments of the house. For the sake of argument if it is well within the knowledge of claimant/petitioner that respondent/defendant had no expertise in electrical field than why did he again and again hired services of the respondent/defendant and paid to him for services. In his claim claimant/petitioner alleged that he got <sup>3 testified</sup> ~~alleged~~ UPS from the expert and put his reliance on exhibit P-10 but unfortunately scribe of exhibit P-10 was not produced although he also tendered exhibit P B and exhibit P E yet he did not produced any electronic expert which strengthen his stance that whole damaged caused by the alleged UPS, moreover he also produced exhibit P 9 and exhibit P 11 whereby he got repaired his house hold electrical appliances <sup>caused</sup> allegedly ~~damaged~~ by defective UPS but again no witnesses were produced pertaining to exhibit to P-9 and P-11 even then statements of PW 2 and PW 3 were also not worthy of credit. Besides, this nowhere, in the petition claimant mentioned any date on which alleged incident occurred whereby he came across alleged damaged.

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11. In the light of above discussion claimant/petitioner had failed to proof his claim resultantly the petition/claim in hand is hereby dismissed and file be consigned to the record room after due completion of legal process

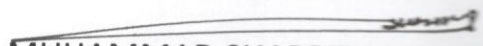
Announced: 19-09-2017.

  
MUHAMMAD SHABBIR HUSSAIN  
DISTRICT & SESSION JUDGE/PRESIDING OFFICER  
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Certificate:-

It is certified that this order consist of five pages and each page has been dictated, read, corrected, and signed by me.

Announced: 19-09-2017.

  
MUHAMMAD SHABBIR HUSSAIN  
DISTRICT & SESSION JUDGE/PRESIDING OFFICER  
DISTRICT CONSUMER COURT M.B.DIN