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

**Mujahid Hussain Khan S/o Sajjad Hussain Khan R/o House No. 1105
street No. 1 Qadeer Abad, Multan.**

(Complainant)

Versus

**1- Zahra Zari Emporium Shop No. M13-14 Raheem Center Hussain
Agahi, Multan.**

(Respondent)

Case No. 147/2016

Date of Institution 14.06.2016

Date of decision 10.05.2018

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

ORDER:

1. The complainant brought this complaint with the contention that on 21.03.2016, he visited the shop of respondent for purchase of Lehnga for the amount of Rs. 45,000/- and the complainant paid Rs. 40,000/- as advance and the date of delivery of Lehnga was settled 24.03.2016 and the respondent delivered the Lehnga to the complainant after receiving Rs. 5000/-. The Lehnga was purchased by the complainant for the marriage of elder brother but on 22.05.2016 when the Lehnga was opened, he found that the same was used one and was unable to wear. The complainant on 25.05.2016, the complainant visited the shop of the respondent for the redressal of his grievance but the respondent flatly refused to compensate in any manner 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.

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2. Due process for the attendance of the respondent was issued and respondent appeared in the court and filed written statement but afterwards on 14.02.2017 non appeared from the side of respondent and after adopting due course of law, ex-parte proceedings was initiated against the respondent.

3. In ex-parte proof the complainant, the complainant produced oral as well as documentary evidence and tendered his affidavit EXP-1 and recorded his statement as PW1 and has produced original postal receipt about sending of legal notice EXP-2, photocopy of legal notice Mark-A, original purchase receipt dated 24.03.2016 EXP-3, fee certificate of counsel EXP-4 and original visiting card of respondent EXP-5 and closed the ex-parte evidence.

4. The learned counsel for the complainant has argued the case and stated that the complainant purchased the product from the respondent but the same was used one and the complainant contacted the respondent but the respondent did not redress the grievance of the complainant due to which he suffered mental as well as financial loss. The complainant is a gentle citizen and has no grudge with the respondent 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. Although, respondent appeared in the court, filed written statement and the date was fixed for arguments but on 14.02.2017, no one appeared from the side of respondent and after adopting due course of law, ex-parte proceedings was initiated against the respondent. The original purchase receipt dated 24.03.2016 EXP-3 shows that the complainant

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purchased the Lehnga dress from the respondent but the respondent had given used and sub-standard product. The original postal receipt about sending of legal notice EXP-2 as well as photocopy of legal notice Mark-A is also available on the record which shows that the complainant sent the legal notice to the respondent and after receiving legal notice, it is duty of the respondent to redress the grievance of the complainant but he failed to do so. 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 Lehnga with a new one or to pay the amount of said product that is Rs. 45,000/- along with fee of advocate to the tune of Rs. 15,000/- to the complainant. The conduct of the respondent caused mental as well as financial loss as is evident from the evidence produced by the complainant. So, Rs. 15,000/- as compensation in terms of financial as well as mental loss is also decreed. File be consigned to record room after its due completion.

Announced
10.05.2018

(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:
10.05.2018

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