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

**Najeeb-ur-Rehman S/o Nazeer Ahmed R/o M.A Jinnah Road near
Qasori Chowk Al-Sheraz Property Advisor, Multan.**

(Complainant)

Versus

**1- Zonal Manager, Green Tech Mobile Company, office No. 17 Khan
Center Multan.**

(Respondent)

Case No. 210/2017
Date of Institution 11.11.2017
Date of decision 18.04.2018

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

ORDER:

1. The complainant brought this complaint with the contention that on 07.05.2017 he purchased from the respondent a Samsung mobile model S8 IMEI No. 35509008266852/8 in consideration of Rs. 87,000/- with the accidental warranty of one year. The complainant was driving motorbike and met an accident due to which he fell down and when he saw that the LCD of said mobile had broken. The complainant contacted the respondent repeatedly for the replacement of mobile phone but the respondent did not fulfill accidental warranty of said mobile phone and caused mental and financial loss to the tune of Rs. 87,000/- along with fee of counsel of Rs. 15,000/-. The complainant also served legal notice on 02.11.2017 but no reply of the same was given 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 course of law, ex-parte proceedings was initiated against the respondent.

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3. In ex-parte evidence of the complainant, the complainant tendered his affidavit as EXP-1 and recorded his statement as PW1 wherein the learned counsel for the complainant has produced original purchase receipt dated 07.05.2017 EXP-3, original accidental coverage card EXP-4, original postal receipt about sending of legal notice EXP-5, photocopy of legal notice Mark-A and fee certificate of counsel EXP-6 and closed the ex-parte evidence.

4. The learned counsel for the complainant has argued the case and stated that the complainant purchased the mobile from the respondent but during warranty period, the same became defective and despite repeated contacts, neither respondent repaired the mobile phone set nor replaced the same with a new one and he suffered financial and mental loss due to act of the respondent. The learned counsel for the complainant has further argued that evidence of the complainant is un-rebutted and the respondent despite having knowledge of the pendency of the complaint has not bothered to appear in the court 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 original purchase receipt dated 07.05.2017 EXP-3, original accidental coverage card EXP-4 shows that the respondent was bound down to fulfill the accidental warranty of the same, copy of legal notice Mark-A as well as original postal receipt about sending of legal notice EXP-5 is also available on the record. The oral evidence as produced by the complainant supports the contention of the complainant. Keeping in view this, it is concluded that the Samsung mobile

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model S8 IMEI No. 35509008266852/8 became out of order within warranty period and despite repeated contacts with the respondent, the same was not replace by the respondent. So the complaint is hereby accepted partially and the respondent shall replace the mobile phone set with a new one or to pay the amount of said mobile to the tune of Rs. 87,000/- along with fee of counsel to the tune of Rs. 15,000/-. File be consigned to record room after its due completion.

Announced
18.04.2018

(Judge 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:
18.04.2018

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