

**In the Court of Judge Mahar Tahir Nawaz Khan  
District & Sessions Judge/ Presiding Officer  
Consumer Court Districts Sheikhupura, Nankana-Sahib, Kasur &  
Lahore.**

Complaint No	187/2017
Date of institution	21-04-2017
Date of decision.	24-01-2018

**Rehana Perveen widow of Malik Muhammad Tufail r/o House No.  
10, Street No. 2, Mohallah Aqib Manzil, Chowk Begum Kot, Lahore.  
Complainant**

V/S

**Lahore Center through Proprietor, The House of Gas & Electric  
Appliances, 21 Abid Market, Temple Road, Lahore.**

**Respondent**

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

**Order.**

1. Briefly stated facts of the complaint are that complainant purchased a washing machine from the respondent's show room having model SAMSUNG W/M FULLY AUTO WA70H4000SG(SZ) against the prize of RS. 36000/-and obtained invoice No. 000290 on 04-01-2017. Warranty card was also issued to complainant. Complainant allegedly gifted the disputed washing machine to her daughter which became out of order. Complainant contacted the respondent who got repaired the said machine and when the daughter of the complainant used the same, it was still out of order. Complainant again contacted the respondent and she was told that requisite part of machine is to be brought from Dubai and thereafter same will be fixed in washing machine within 15 days and repair it. Afterwards respondent got repaired the said machine but the machine was still out of order. On 30-03-2017, complainant took her machine to respondent center but her request was not heard rather misbehaved. Complainant sent a legal notice to the respondent, but in vain, hence the present complaint.

2. Respondent was served and he submitted written statement. Respondent admitted the sale of disputed machine and rest of allegations were denied by him. He also contended that manufacturer of the said machine has not been impleaded as party: claim is hopelessly time barred: this Court has not jurisdiction to entertain the matter:

3. Matter/complaint was referred to ADR Center No. 1 Lahore for settlement of dispute amicably with mutual consent of the parties, but it could not be settled there because respondent did not appear there.

4. Parties were directed to produce their affidavits as examination in chief and matter was fixed for final arguments.

5. Arguments heard. Record perused.

6. Perusal of pleadings reveals that purchase/sale of disputed washing machine is an admitted fact. Machine was purchased on 04-01-2017, which after found not working properly and repaired by respondent through his workers but same problems/defects again has been found. On 30-03-2017 complainant went to the center of respondent for repair of her machine but of no avail. Legal notice was sent to respondent allegedly on 31-03-2017 and complaint was filed on 21-04-2017. Copy of warranty card attached with the complaint shows that warranty period was of one year, hence objection of respondent regarding limitation is rejected.

7. Another objection raised by respondent is that this court has no jurisdiction to adjudicate upon the matter. Admittedly complainant purchased the said machine from respondent, which is admitted fact. The said machine became out of order for which consumer dispute made out against respondent for sale of defective product with providing faulty services, hence this Court attained jurisdiction to adjudicate upon the matter.

8. This matter was referred to ADR Center for settlement of dispute amiably but the respondent did not bother to appear there, which shows his attitude. Another objection raised by respondent is that manufacturer has not been impleaded as party in the case. Complainant time and again contacted the respondent for repair of her machine but the respondent did

not refer the matter to manufacturer Company. Being bridge between consumer and company, it was the duty of the company dealer/seller to refer the matter/complaint to the manufacturer where the defects in machine were being not cured. Respondent himself did not get involve the company and solve the problem of the complainant. Respondent failed to play his rule, hence he cannot be absolved from responsibility.

9. In the light of above said discussion, complaint is partially allowed in terms that respondent is directed to repair the disputed washing machine of complainant within 15 days from this order according to market standard. Complainant had to knock at the door of this Court due to defective and faulty services of the respondent, hence respondent is also burdened with Rs. 15000/- as counsel fee/litigation charges which would be paid to complainant. Rest of the claim regarding damages, mental torture is dismissed because this court cannot grant the same. Respondent is directed to comply with the detailed above order within 15 days: failing which proceedings under section 32 of the Punjab Consumer Protection Act 2005 will be initiated against the respondent for non compliance of Court order. File be consigned to the record room after its due completion.

**Announced**  
**24-01-2018**

**Judge Tahir Nawaz Khan**  
**D&SJ/Presiding Officer**  
**District Consumer Court LHR.**

It is certified that this Order consists of three pages which have been dictated, corrected and signed by me.

**Announced**  
**24-01-2018**

**Presiding Officer**  
**D&SJ/P.O, DCC, LHR**