

(1)

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

**Sh. Muhammad Tariq Akhtar S/o Sh. Muhammad Shafee R/o House
No. 2107 Mohallah Machar, Haram Gate, Multan.**

(Complainant)

Versus

- 1- Javaid Akhtar Proprietor, Komail Uniform Center, Chowk Police
Station Saddar Bazar, Multan Cantt.**
- 2- Munawar Hussain Zaidi, Salesman Komail Uniform Center, Chowk
Police Station Saddar Bazar, Multan Cantt.**

(Respondent)

Case No. 208/2017
Date of Institution 09.11.2017
Date of decision 14.05.2018

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

ORDER:

1. The complainant brought this complaint with the contention that on 05.10.2017 he purchased college uniform for a consideration of Rs. 1550/- for his daughter and the respondent No. 1 issued receipt in this regard but when he reached his home and checked the uniform, its stuff and quality of cloth very poor and the same was sub-standard and low quality. The complainant visited the shop of respondents on 10.10.2017 and demanded the replacement of said uniform but the respondents refused to replace the same and also misbehaved the complainant and he had to suffer mental and financial loss to the tune of Rs. 5,00,000/-. The complainant served first legal notice on the respondents on 14.10.2017 and also second legal notice on 30.10.2017 and in replied, the respondent No. 1 contacted the complainant and assured to replace the uniform and on 02.11.2017, the complainant visited the shop of respondents but the respondents had not fulfill his promised. Hence, this complaint has been filed by the complainant.

(2)

2. Due process for the attendance of the respondents was issued but no one appeared from the side of respondents and after adopting due course of law, ex-parte proceedings was initiated against the respondents.

3. In ex-parte proof of the complainant, the complainant tendered his affidavit EXP-1 and recorded his statement as PW1 wherein the learned counsel for the complainant has produced courier receipts about sending of legal notices EXP-3 & EXP-4, purchase receipt EXP-5 and photocopies of legal notices Mark-A & Mark-B whereas other witness namely Muhammad Boota also tendered his affidavit EXP-2 and recorded his statement as PW2.

4. 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 respondents was issued but no one appeared from the side of respondents and ex-parte proceedings were initiated against the respondents. The original purchase receipt EXP-5 shows that the complainant purchased the product from the respondents. The courier receipts about sending of legal notices EXP-3 & EXP-4 reveals that complainant sent legal notices to the respondents and after receiving the legal notice, respondents was bound to redress the grievance of the complainant but he failed to do so. The oral evidence as produced by the complainant supports the contention of the complainant. So the complaint is hereby accepted partially and the respondents shall replace the uniform to the complainant with a new one or to pay the amount of said uniform to the tune of Rs. 1550/-.The conduct of the respondents caused mental as well as financial loss as is evident from the evidence produced by the complainant.

(3)

So, Rs. 5,000/- as compensation in terms of financial as well as mental loss is decreed. As such the complaint is partially allowed. The fee certificate of advocate is not on the file, therefore, the same cannot be granted as such. File be consigned to record room after its due completion.

Announced
14.05.2018

(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:
14.05.2018

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