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

**Syed Ahmed Shah Bukhari S/o Syed Nisar Hussain Shah Bukhari R/o
Chungi No. 1 Suraj Miani Road, Multan.**

(Complainant)

Versus

- 1- Director, Green Tech, Suit No. 108 First Floor Obeon Center, Saddar
Karachi Pakistan.**
- 2- Incharge, Customer Care Center, Green Tech, Shop No. 17 Abdali
Road, Multan.**

(Respondent)

Case No. 85/2016

Date of Institution 30.03.2016

Date of decision 02.05.2018

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

ORDER:

1. The complainant brought this complaint with the contention that he purchased a TAB No. SM-T231 with accidental warranty but the screen of the said tab became defective and on 15.02.2016, he deposited the same to the respondent No. 2 for replacement with a new and the respondent No. 2 told after 25 / 30 days, new Tab will receive but on 10.03.2016, the complainant received the new Tab from the respondent No. 2, he refused to hand over new tab and demanded Rs. 14,000/-. The tab of the complainant was within warranty period and respondents was bound to replace the same with a new one but respondent No. 2 get Rs. 14,000/- from the complainant and due to defective service of the respondents, the complainant suffered mental and financial loss to the tune of Rs. 1,73,000/-. The complainant also served legal notice on the respondents on 12.03.2016 and same was not replied by the respondents. Hence, this complaint has been filed by the complainant.

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2. Due process for the attendance of the respondents was issued and respondents appeared in the court and after arguments, the respondents had moved an application for dismissal of complaint and the case was fixed for arguments on aforementioned application but on 25.04.2018 no one appeared from the side of respondents and after adopting due course of law, ex-parte proceedings was initiated against the respondents. Since the complainant also produced his affidavit in shape of the evidence of the complainant, hence, the case was fixed for ex-parte arguments.

3. In ex-parte arguments, the learned counsel for the complainant has argued the case and stated that the Tab in question was within accidental warranty and the respondents was bound to replace the same with a new one without any charges but the respondent No. 2 demanded Rs. 14,000/- from the complainant and he suffered financial and mental loss due to act of the respondents and prayed that the complaint be allowed.

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 and the respondents appeared, filed written statement as well as application for dismissal of complaint, afterwards disappeared from the court and on 25.04.2018 despite repeated calls of court, no one appeared from the side of respondents and ex-parte proceedings were initiated against the respondents. In evidence of the complainant, the complainant has produced original warranty card Mark-B as well as original accidental coverage card Mark-C which shows that respondents was bound to replace the Tab with a new one without any charges but the respondents failed to do so and

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demanded Rs. 14,000/- from the complainant. 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 hand over a new Tab without any charges or to pay the amount of said Tab Rs. 23,000/-.The conduct of the respondents caused mental as well as financial loss as is evident from the evidence produced by the complainant. Though the nature of loss has not been separately proved yet the conduct of the respondents is evident from the available record. So, Rs. 10,000/- 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
02.05.2018

(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:
02.05.2018

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