

**IN THE COURT OF EJAZ AHMAD BUTTAR
DISTRICT & SESSIONS JUDGE / PRESIDING OFFICER,
DISTRICT CONSUMER COURT,
FAISALABAD.**

Complaint No	1460/10
Date of institution	7-5-10
Date of decision	13-12-10

Syed Iftikhar Hussain Shah Vs. Umar Farooq.

Petition u/s 25 of Punjab Consumer Protection Act 2005.

EX-PARTE ORDER

Present: - Petitioner in person. Respondent is ex-parte.

Brief facts of the case are that in August 2008, the petitioner purchased a Refrigerator from respondent on payment of Rs.31,100/-. At the time of sale of Refrigerator, the respondent gave five years warranty. When petitioner's daughter put the suit Refrigerator to use it did not work properly. Petitioner informed the respondent about defective Refrigerator and he promised to replace the same but ultimately did not fulfill his promise hence this petition for replacement of Refrigerator or refund of its sale price.

2. Respondent contested the petition by filing their written statement. After failing pre trial conciliation proceedings, petition was fixed for the evidence of petitioner but today nobody appeared on behalf of respondent, therefore, respondent was proceeded ex-parte.

3. Petitioner appeared as PW-1 and also placed on record his sworn affidavit EX-P1 and documentary evidence in support of his claim comprising copy of legal notice EX-P2, postal receipt EX-P3, purchase receipt EX-P4 and warranty card EX-P5.

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4. As already stated, petitioner's evidence has not been rebutted by the respondent since proceeded ex-parte, such the same is relied upon. Petition is, therefore, disposed of in the manner that the respondent would either replace the suit Refrigerator or refund of Rs.25,000/- as depreciated value. Respondent shall also pay litigation expenses of Rs.5,000/-. After completion, file be consigned to record room.

Announced
13-12-10

Ejaz Ahmad Buttar,
District & Sessions Judge/
Presiding Officer,
District Consumer Court, Faisalabad.

Certified that this order consists of two pages which have been corrected and signed by me.

Announced
13-12-10.

Presiding Officer,
District Consumer Court, Faisalabad.