

**IN THE COURT OF JAVED IQBAL SHEIKH,  
DISTRICT & SESSIONS JUDGE / PRESIDING OFFICER,  
DISTRICT CONSUMER COURT,  
FAISALABAD.**

Complaint No	263/2018
Date of institution	12.11.2018
Date of decision	11.04.2019.

Waseem Iftikhar S/o Iftikhar Ahmad R/o Chak No.279 RB Khurd near Factory Nisar Akbar, Faisalabad.

**Versus**

Green Tech Mobile Company, 150 First Floor Kohinoor City, through the Area Manager, Central Plaza Kohinoor City, Faisalabad.

**Claim u/s 25 of the Punjab Consumer Protection Act, 2005.**

**ORDER:**

This complaint is filed on behalf of Waseem Iftikhar, the claimant alleging the facts that on 04.11.2017, he purchased a mobile phone set Samsung Note-8 from the defendant's outlet of value of Rs.1,08,999/- with the warranty card exhibited as Ex-P2 but after expiry of some time, the mobile phone set due to technical defect stopped functioning. The claimant approached to the defendant's outlet and informed him regarding mobile phone set being dysfunctional and asked its repair as per terms of the warranty but the defendant instead of providing free of charge services for repair of mobile phone set demanded from the claimant Rs.29,000/- in connection with the repair of mobile phone set.

2. Over which the claimant issued a legal notice dated 16.10.2018 to the defendant Mark P/D of which no reply was sent on behalf of the defendant.

3. The defendant was summoned through the Process Server and registered post. He was served with the summons but did not appear before the court, thereby, he was proceeded against ex-parte.

4. The ex-parte evidence got recorded on behalf of the claimant i.e. In their own statement of the claimant as PW1 and other witness namely Umar Draz S/o Mukhtar Ahmad as PW2 and their sworn affidavits in support of the same including the documents tendered as Ex-P1 to Ex-P4 and further supported documents Mark P/A to Mark P/D were brought on record and have gone un-rebutted.

5. Ex-parte arguments heard and record perused.

6. The whole of case of the claimant is that the purchased mobile phone set of value of Rs.1,08,999/- went dysfunctional after five months of purchase of the same and on demand of the claimant, the defendant did not provide facility of the repair of the same as per terms of warranty rather demanded Rs.29,000/- in connection with repair, hence, this complaint. The defendant was summoned through due process but he did not opt to appear, resultantly ex-parte evidence of the complainant was recorded as discovered in above paragraph No.4. Under these circumstances, the claim in hand is accepted ex-parte to the extent of claimed amount of fee of the counsel Rs.20,000/- and total amount of mobile phone set Rs.1,08,999/- subject to return of the defective mobile phone set to the defendant and the defendant is directed to comply this order within two months from this judgment / order. The claim in case is decreed as above in

favour of the complainant. If this judgment is not complied within specified / given time recovery shall be made in accordance with law on initiation of complainant after expiry of two months. After due completion, the file be consigned to the record room.

**Announced**  
**11.04.2019**

**(Javed Iqbal Sheikh)**  
District & Sessions Judge/  
Presiding Officer,  
District Consumer Court, Faisalabad.

Certified that this order consists of three pages and each page has been dictated, read, corrected and signed by me.

**Dated**  
**11.04.2019**

**Presiding Officer,**  
**District Consumer Court, Faisalabad.**

**Short order.****Present:-**

Nemo.

**ORDER**

Record perused.

2. Vide order dated even passed in English separately, the complaint in hand is accepted and the defendant is directed to pay the fee of the complainant's counsel Rs.20,000/- and amount of mobile phone set Rs.1,08,999/- subject to return of the defective mobile phone set to the defendant within two months, henceforth. After due completion, the file be consigned to the record room.

**Announced**  
**11.04.2019**

(Javed Iqbal Sheikh)  
District & Sessions Judge/  
Presiding Officer,  
District Consumer Court, Faisalabad.