

Applications for deficiency of service defective washing machine

In the District Consumer Disputes Redressal Forum Dahod Collectorate, Dahod
Consumer Complaint No.....of 2010.....

In the matter of:

A complaint under sections 11 and 12 of the Consumer Protection Act 1986 and the
Rules made thereunder

And.....

Mr. X residing at

Complainant

versus.....

Machinery Company Limited, a
company incorporated under the Companies Act 1956 and
carrying on business at.....

Respondent

To

The Hon'ble President and

His Companion Member

of the District Consumer

Disputes Redressal Forum

The complainant above-named

most respectfully

Sheweth:

1. The respondent is a manufacturer of electrical goods including Washing Machines and carries on business in.....
2. The claim of compensation and/or redressal of grievances of the complainant does not exceed Rs. 5 lakhs.
3. The complaint relates to the malfunctioning of the Washing Machine purchased by the complainant from the respondent about 18 months ago. This Application is being made within 2 years from the date of cause of action for making this application.
4. On 15th June 1998 the complainant purchased one Automatic Washing Machine from the respondent at Rs. 20, 000.
5. The complainant paid the price, took delivery of the machine and the respondent issued a cash memo and a Guarantee/Warranty Card guaranteeing the proper functioning of the machine. The guarantee was valid for 3 years.
6. After about 7 days of running the said machine in accordance with the printed

instructions given by the respondent the machine did not work properly. The complainant by his letter dated 25th June 1998 complained to the respondent setting out the malfunctioning of the Washing Machine including the non-working of the spinning mechanism.

7. The respondent sent its mechanic who apparently repaired the defect. But after some time again there was the malfunctioning of the machine since its water pump was not properly functioning. Its spinning mechanism also did not work.

8. After several reminders the respondent sent its mechanic who tried to repair the machine and ultimately made the machine workable but stated that the defect was a manufacturing one and therefore the same could not be fully repaired.

9. The complainant requested the respondent by a letter dated 10th December 1998 to replace the said machine as there was a manufacturing defect and in spite of best efforts the respondent's mechanic could not repair the defects. The respondent received the said letter but neither replaced the machine nor repaired the defect nor replied to the said complaint. A copy of letter and copy of the receipt are annexed hereto marked "A" and "A-1."

10. Copies of the Cash Memo and the Guarantee Card are annexed hereto marked "B" and "C" respectively.

11. Copies of the previous complaints are annexed hereto marked "D".

12. By reasons of the breach of the agreement, breach of the Warranty and negligence of the respondent, the complainant has suffered loss and damages which the complainant assesses at Rs. 35, 000.

13. In the facts and circumstances of the case the complainant prays for the following reliefs:

(a) Refund of Rs. 20,000 paid to the respondent for the purchase of the said Washing Machine;

(b) Interest from date of purchase on Rs. 20,000 at 18% per annum;

(c) Damages for harassment, physical injury and mental agony assessed at Rs. 35,000;

(d) Costs of the present proceeding;

(e) Further and other reliefs as the complainant is entitled to And the complainant as in duty bound shall ever pray.

Place:.....

Date:.....Signature of Complainant

Verification

I, Mr. X.....son of Mr. Y. residing at.....Dahod, Bihar

do hereby solemnly declare and state that the statements contained in the preceding paragraphs of this complaint are true to the best of my knowledge and belief and nothing stated herein is false and I have not suppressed any material fact.

Verified at.....Collectorate on this.....day of 2010 Deponent

Identified by me

.....

Advocate

Annexure:

1 Cash Memo

2 Guarantee Card

3 Letters of complaint