**BEFORE THE HON'BLE DISTRICT CONSUMER DISPUTES REDRESSAL COMMISSION AT KOCHI**

COMPLAINT NO. ........ OF 20..

IN THE MATTER OF:

M.U. SADARUDHEEN S/O ......

HOUSE NO.11/617, INDIRA NAGAR

THOPPUMPADY, COCHIN - 682005

EMAIL: ...........@.......

MOBILE: .............

...COMPLAINANT

VERSUS

THE MANAGER

SPECS WORLD

KARUVELIPPADY, OPP. T.B. HOSPITAL

KARUVELIPPADY, COCHIN - 682005

...OPPOSITE PARTY

**COMPLAINT UNDER SECTION 35 OF CONSUMER PROTECTION ACT, 2019**

RESPECTFULLY SHOWETH:

INTRODUCTION:

1. The complainant is M.U. Sadarudheen, a resident of House No.11/617, Indira Nagar, Thoppumpady, Cochin - 682005, employed as \_\_\_\_\_\_(occupation).

2. The opposite party is Specs World, a proprietorship firm dealing in spectacles and optical products, located at Karuvelippady, Opp. T.B. Hospital, Karuvelippady, Cochin - 682005.

TRANSACTION:

3. The complainant had been using spectacles for vision correction. Due to scratches on the lenses and the frame, the opposite party advised the complainant to purchase new spectacles with lenses and frame after conducting an eye test.

4. Relying on the opposite party's advice, the complainant purchased a new pair of spectacles with lenses and a frame on \_\_\_\_\_ (date) for a total consideration of Rs.1,300/- paid in cash. The opposite party issued invoice no. \_\_\_\_\_ dated \_\_\_\_\_\_ for Rs.800/- towards the purchase.

NATURE OF COMPLAINT:

5. The new spectacles supplied by the opposite party were defective and caused severe headaches when used by the complainant.

6. Despite repeated requests and complaints to the opposite party, they failed to rectify the defects in the spectacles or provide a refund of the amount paid.

7. This amounts to deficiency in service and unfair trade practice on part of the opposite party.

RECTIFICATION:

8. The complainant visited the opposite party's premises on multiple occasions and made oral and written requests for replacement/refund, but they did not provide any satisfactory resolution. Copies of the written requests are annexed as Annexures A, B, etc.

9. The complainant was constrained to issue a legal notice dated \_\_\_\_\_ to the opposite party calling upon them to rectify the defects/refund the amount, but received no response. A copy of the notice is annexed as Annexure \_\_.

CAUSE OF ACTION:

10. The cause of action arose when the defective spectacles were supplied to the complainant and when the opposite party failed to rectify the defects or provide a refund despite repeated requests, which is a deficiency in service under the Consumer Protection Act, 2019.

EVIDENCE:

11. The complainant will rely on the following documents and witnesses at the time of evidence:

Documents:

A) Copies of written complaints to opposite party

B) Copy of legal notice

C) Invoice/bill for purchase of spectacles

D) ...

Witnesses:

1) The complainant himself

2) ...

TERRITORIAL JURISDICTION:

The complainant's residence and the opposite party's business premises fall within the territorial jurisdiction of this Hon'ble District Commission. Hence, this complaint.

PECUNIARY JURISDICTION:

As the total amount involved is less than Rs. 50 lakhs, the pecuniary jurisdiction lies with this Hon'ble District Commission.

LIMITATION:

The present complaint is being filed within the prescribed period of limitation under Section 69 of the Consumer Protection Act, 2019.

COURT FEE:

As per Rule 7 of the Consumer Protection (Consumer Dispute Redressal Commission) Rules 2020, no court fee is applicable.

PRAYER:

In view of the facts and circumstances stated above, it is most respectfully prayed that this Hon'ble Commission may be pleased to:

i) Direct the Opposite Party to refund the amount of Rs. 1,300/- paid by the Complainant towards the defective spectacles;

ii) Award compensation of Rs. 1,500/- to the Complainant for mental harassment and cost incurred;

iii) Award costs of the complaint proceedings to the Complainant;

iv) Pass any other order(s) as this Hon'ble Commission may deem fit and proper in the circumstances of the case.

PLACE: Kochi

DATE:

M.U. Sadarudheen

**VERIFICATION**:

Verified at Kochi on this \_\_\_ day of June 2024 that the contents of the above complaint are true and correct to the best of my knowledge and belief. Nothing material has been concealed therefrom.

M.U. Sadarudheen