BEFORE THE DISTRICT CONSUMER DISPUTES REDRESSAL COMMISSION, KARNATAKA, AT HASSAN

Consumer Complaint No. \_\_\_\_\_\_of 20

Mr. Swamyshankar

S/o Hanumanthegowda, Age \_\_\_years

Residing at Hulikal Siddapura village,

Cassava Hobli, Arakalagadu Taluk,

Hassan. ....COMPLAINANT

V/s

The Proprietor

K.B Engineering

Ondipudur (P),

Coimbatore, Tamil Nadu - 641016 .... OPPOSITE PARTY

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

1. The address of the Complainant for the purpose of service of summons, notice etc is as shown in the cause title above and that of his counsel
2. The address of the Opponents for the very purpose is the same as shown in the cause title above.
3. Herein the above-named Complainant most respectfully submits as under,
4. The Complainant respectfully submits that he purchased a Multicrop Thresher machine for Rs 5,30,000 and it stopped working after 8 days due to a mechanical defect.
5. When the Complainant contacted the Opposite Party to repair the thresher, the Opposite Party refused to repair the defective machine. The Complainant also tried to repair the machine at his own expense and requested the establishment to send technicians for the same but the Opposite Party denied this request.
6. That the Opposite Party told the Complainant to bring the machine to the establishment for repair, and said you could not send technicians to the Complainant’s address.
7. That the Complainant issued a legal notice dated 09/10/2020 to the Opposite Party but received no response. His legal notice has been ignored, and therefore, he is forced to approach this Commission
8. That the Opposite Party is liable for the deficiency in service which has resulted in financial loss, harassment and mental agony.

IV. **Cause of Action**;

1. The Cause of action of this arose on 09/10/2020 when the the Complainant issued a legal notice to the Opposite Party.

V. **Limitation Period**

1. That the present complaint is being filed within a period of two years from the date of cause of action, as prescribed under Section 69 of the Consumer Protection Act, 2019.

VI. **Jurisdiction:**

1. On territorial jurisdiction, it is submitted that the Complainant resides within the jurisdiction of this Hon'ble Court. While the opponent’s establishment is situated within the jurisdiction of the specific court in Tamil Nadu, the the Complainant has chosen to exercise jurisdiction of this Honourable Court.
2. On pecuniary jurisdiction, it is submitted that the consideration amount is less than Rs. 50,00,000/-
3. Hence this Hon'ble Court possesses jurisdiction to try and entertain this complaint

VII. **Court Fees:**

1. In line with Rule 7 of Consumer Protection (Consumer Dispute Redressal Commission) Rules, 2020, no court fee has been paid as the value of the impugned service is less than Rs 5 lakhs and the stipulated three copies of the complaint have been submitted.

VIII. **Prayer**

It is therefore most humbly prayed that setting all the contentions of the Opponents if any an order may kindly be passed against the Opponents in the following terms,

1. Direct the Opposite Party to refund the amount of Rs 5,30,000/- for the cost of the incorrectly assembled machine and delay in assembly.
2. Direct the Opposite Party to refund the cost of repair and spare parts amounting to Rs 5,40,000
3. Direct the Opposite Party to pay compensation for financial loss, harassment, mental agony, expenses and deficiency in service.
   1. Pass any other order as deemed fit in the interest of justice, equity, and good conscience.

HASSAN

Date Advocate for the Complainant

**Verification**

Herein I, Mr. Swamyshankar, do hereby state on the solemn affirmation that the contents of the above paragraphs are read over and explained to me in my vernacular, and the same is found to be true and correct to the best of my knowledge, belief, and information.

**HASSAN**

**Date the Complainant**