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

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

Mr. Umesh,

S/o S/o Kariyappa (Late), Age \_\_\_years

Residing at Karagada village and post,

Belur Taluk, Hassan District. ....COMPLAINANT

V/s

The The Proprietor

Mahalakshmi Motors,

Puttaswamygowda Complex,

Channarayapatna, Hassan. .... 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 purchased a TVS bike for a total consideration of Rs 71,000 on 30/12/2019 and it developed problems like a defective clutch plate soon after he purchased it.
5. That despite the Complainant giving the bike for service, these problems persisted even after the bike was serviced.
6. That the Complainant was forced to travel by auto when the establishment kept the Complainant’s bike without rectifying the defects and incurred a cost of Rs 3,24,000.
7. That the Complainant issued a legal notice dated 01/12/2022 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 01/12/2022 when the Complainant sent a legal notice to the Opposite Party to repair the defects in the bike.

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 both the Complainant and the Opposite Party reside within the jurisdiction of this Hon'ble 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 provide the Complainant with a new bike
2. Direct the Opposite Party to pay compensation of Rs 3,24,000/- for travel expenses by auto when the Complainant’s bike was being serviced
3. Direct the Opposite Party to pay compensation as the Commission deems fit 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 Complainant

**Verification**

Herein I, Mr. Devaraju, 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 Complainant**