

GAHC010153862025



THE GAUHATI HIGH COURT
(HIGH COURT OF ASSAM, NAGALAND, MIZORAM AND ARUNACHAL PRADESH)

Case No. : WP(C)/4029/2025

MAHINDRA AND MAHINDRA FINANCIAL SERVICES LTD
HAVING ITS REGISTERED OFFICE AT GATE WAY BUILDING APOLLO
BUNDER MUMBAI 400001

2: THE BRANCH MANAGER
MAHINDRA AND MAHINDRA FINANCIAL SERVICE LTD GOALPARA
BRANCH PANCHARATNA ROAD GOALPARA ASSAM BOTH ARE REP BY
SUPRATIM DAS

2: THE BRANCH MANAGER
MAHINDRA AND MAHINDRA FINANCIAL SERVICES LTD
GOALPARA
ASSA

VERSUS

HAKIM UDDIN AND ANR
S/O LT NOBER UDDIN R/O BAPURBHITYA PART II PO DHAMOR RESERVE
PIN 783129 PS BAGUN DIST GOALPARA, ASSAM

2:ASSAM STATE CONSUMER DISPUTES REDRESSAL COMMISSION
GUWAHATI
ASSAM

2:ASSAM STATE CONSUMER DISPUTES REDRESSAL COMMISSION
HOUSEFED COMPLEX CENTRAL BLOCK 5TH FLOOR GUWAHATI 78100

Advocate for the petitioner(s): Mr. UK Barman

Advocate for the respondent(s):

B E F O R E
HON'BLE MR. JUSTICE DEVASHIS BARUAH

ORDER

28.07.2025

Heard Mr. UK Barman, the learned counsel appearing on behalf of the petitioners.

2. Issue notice upon the respondent No.1, making it returnable on 22.09.2025.

3. This Court is not inclined to issue notice upon the respondent No.2.

4. The petitioners are directed to take steps upon the respondent No.1 by way of registered post with A/D as well as through usual process within three days.

5. The case of the petitioners herein is that the respondent No.1 had filed an application before the District Consumer Redressal Forum, Goalpara seeking compensation on account of his vehicle which he had taken on hire purchase was repossessed by the petitioners herein.

6. The said complaint petition was registered and numbered as CP No.02/2017. The District Consumer Redressal Forum Goalpara vide an order dated 05.01.2018 directed the petitioner to pay an amount of Rs.3,32,949/- Against the said ex-parte order dated 05.01.2018, the petitioners filed an appeal before the Assam State Consumers Dispute Redressal Commission, Guwahati which was registered and numbered as FA No.76/2018. The said proceedings

pending before the District Consumer Redressal Forum Goalpara was forwarded to the National Lok Adalat and it has been alleged that this aspect of the matter was not informed to the petitioners by the counsel, who represented the petitioners before the Assam State Consumers Dispute Redressal Commission. Further it has been alleged that in absence of instructions, the counsel accepted an award of Rs.4,57,949/- against the petitioners which was completely unauthorized and, as such, had challenged the said award dated 14.09.2024 passed by the National Lok Adalat by the present proceedings.

7. Mr. UK Barman, the learned counsel appearing on behalf of the petitioners submits that the counsel, who represented the petitioners, had no instruction and/or authorization from the petitioners to enter into any sort of arrangement on behalf of the petitioners. He further submitted that the conduct of the counsel was unbecoming of an Advocate and for which a complaint had also been lodged before the Bar Council of Assam, Nagaland, Mizoram, Arunachal Pradesh and Sikkim.

8. The learned counsel appearing on behalf of the petitioner further submitted that in the instant case when the petitioner had assailed the ex-parte order dated 05.01.2018 directing the petitioner to pay an amount of Rs.3,32,949/-, question does not arise for the petitioner to accept an amount which is much higher i.e. Rs.4,57,949/- He, therefore submitted that this is a case where fraud had been played upon the petitioners by the respondent No.1 herein in collusion and concert with the counsel who appeared on behalf of the petitioner in the said proceedings.

9. Taking into account the said submission, it is the opinion of this Court that the petitioners have been able to make out a *prima facie* case for stay of the impugned award dated 14.09.2024 passed in FA No.76/2018 along with the

execution proceedings so initiated being Money Execution Case No.1/2025.

10. Accordingly, the impugned award dated 14.09.2024 passed in FA No.76/2018 is stayed as well as the execution proceedings so initiated in Money Execution Case No.1/2025 pending before the Assam State Consumers Dispute Redressal Commission, Guwahati shall remain stayed till the next date fixed.

11. List accordingly.

JUDGE

Comparing Assistant