



CRP NPD.No.2545 of 2025

THE HIGH COURT OF JUDICATURE AT MADRAS

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Date : 01.07.2025

CORAM:

THE HONOURABLE MR.JUSTICE N. SATHISH KUMAR

CRP [NPD] No.2545 of 2025 & CMP.No.14511 of 2025

N.Venkatachalam

. . . Petitioner

Versus

1. M/s.Sundaram Home Finance Limited,
Branch office at No.36, 1st Floor, Thaarai Thiru Maligai,
LIC Colony, Vasantham Hotel Road,
Opp. To New Bus Stand, Salem
Rep. By the Authorised Officer,
Power of Attorney Holder R.Shanmugam

Nallammal [deceased]

2. K.Arivalagan

. . . Respondents

PRAYER : Petition filed under Section 115 of the Code of Civil Procedure to set aside the fair Order and decree dated 04.02.2025 passed in R.E.A.No.5 of 2024 in REP.No.82 of 2022 in O.S.No.38 of 2021 on the file of the Subordinate Court, Mettur, by allowing this Civil Revision Petition.



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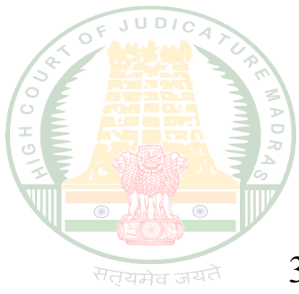
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For petitioner : Ms.Santhane Ishwarya
for Mr.P.Raja

ORDER

Challenge has been made to the Order passed by the Court below permitting the authorized agent Manager, legal receivables to act and plead on behalf of the company.

2. An application has been taken out by the first respondent through the power agent of the company to raise objection in the Execution Petition. It is their contention that they have already proceeded against the revision petitioner under the SARFAESI Act, in which a collusive decree has been obtained and they tried to create a charge over the property in favour of the petitioner. At this stage an application has been taken out on behalf of the revision petitioner to raise the attachment passed by the Civil Court. The said application has dismissed, which has not been challenged. Now the challenge has been made only with regard to the permission granted by the Execution Court.



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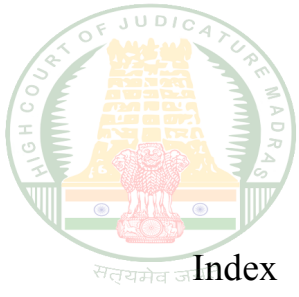
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3. The learned counsel appearing for the petitioner mainly would submit that under section 21 of the Companies Act, Board resolution is required, which has not been placed before the Court. That apart, under Order III Rule 2 of Code of Civil Procedure, Board resolution has not been filed. Therefore, the Order of the trial Court require to be interfered.

4. I have perused entire materials, including power of attorney. Order III Rule 1 and 2 of Code of Civil Procedure deals with the appearance by a recognized agent or a Government Pleader, includes Power of Attorney. Hence, the power of attorney has been recognized and duly executed and permission has also been sought before the Court. Even assuming that the resolution has not been placed before the Court, it is rectifiable defect. In such view of the matter, I do not find any merits in this revision.

5. Accordingly, this Civil Revision Petition is dismissed. No costs. Consequently, connected miscellaneous petition is closed.

01.07.2025



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Index : Yes / No

Internet: Yes

Speaking/non speaking order
vrc

To,

1. The Subordinate Judge,
Mettur.



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N. SATHISH KUMAR, J.

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