

**A.No.651 of 2026****in****E.P No.61 of 2013****MASTER****16.04.2026****ORDER**

1. This is an application filed by the applicant/deGREE holder to allow the substitution of new authorised signatory of the decree holder company namely Mr.Dnyanaraj S Moravekar in the place of Mr.Gopalakrishnan Viswanathan in the above execution petition.

2.The case of the applicant is that the decree holder company represented by its power agent Mr.Ravindran Nair filed a suit which was decreed in favour of the decree holder company on 19.06.2012 based on which the above execution petition was filed for recovery of money as per decree. Initially, the E.P was filed represented by the then authorised signatory Mr.Gopalakrishnan Viswanathan who subsequently left the company and therefore by virtue of the resolution dated 29.05.2023 Mr.Siddhartha S Moravekar and Mr. Dnyanaraj S Moravekar were authorised to re-present the execution petition before this Court. It is further stated that the Judgment debtors were set exparte in the above execution proceedings and no application has been moved by them till date for setting aside the exparte decree and so, this application which is purely formal one seeking substitution of the authorised signatory of the decree holder company, without introducing any new claim are altering the substantive rights of the parties, is to be allowed.

3. Per contra, the Judgment debtors filed a detailed counter raising so many



allegations pertaining to the merits of C.S No.119 of 2011 and also the order of attachment dated 19.09.2013 passed by this court in execution proceedings. In respect of this application the Judgment debtors have stated that clean copy of the execution petition in E.P No.61 of 2013 as the respondents/Judgment debtors address of the one in USA as well as the address i.e. in Flat No.A/3, 2nd Floor, Anora Flats, 4th Main Road, Gandhi Nagar, Adyar, Chennai 600 020, wherein the present application the cause title in the Master summons do not contain the corrections and so this application ought not to have been numbered. Moreover, the alleged resolution passed by the applicant company is dated 29.03.2023 and it is almost three years and as such the applicants have waited to file the present application for all these years and only after when the respondents have filed A.Nos.590 & 591 of 2025 to set aside the orders passed by this court in Proclamation No.10 of 2019 in the above E.P, the present application has been filed by the applicant only to fill up the lacunae and is without any merits. Hence, the same is to be dismissed.

4. Heard both side counsels and perused the materials on record. It is seen that this EP has been filed by the Applicant for recovery of money as per decree dated 19.06.2012 in which the respondents/Judgment debtors were set exparte on 19.09.2013 and attachment was ordered, subsequent to which proclamation and sale was ordered on 03.01.2025. At this stage, the respondents/Judgment debtors has filed the applications to stay the sale of property and all further proceedings in the proclamation. When these applications were pending for enquiry, present application filed by the applicant/decree holder to substitute the authorised signatory of its company. A copy of the Board Resolution dated 29.05.2023 was filed before this court along with the applications from which it is seen that in the meeting of the Board of Directors held at Mumbai dated 29.05.2023 it was resolved that Mr.Siddhartha S Moravekar and /or Mr.Dnyanaraj S Moravekar who are the Directors of the applicant's company were authorised to represent the applicant company jointly and severally before the Madras High Court or



any other court in India in this matter and signed and execute on behalf of the company all petitions, applications, appeals, execution applications, written statements, affidavits, declarations, undertakings, authorisation or any other documents as may be required to be presented in E.P No.61 of 2013 in C.S No.119 of 2011 as and when required.

5. The only contention raised by the respondents/Judgment debtors is that the Board Resolution having been passed in 2023 and so the genuiness of the cause title and the present affidavit is not to be accepted. This contention of the respondent/Judgment debtors is not acceptable for the reason that it is settled law that a company should be represented by its authorised person which may keep on changing during the course of pendency of the legal proceedings and the company is to be permitted to be represented by its present authorised person. Moreover, in the present case respondent/Judgment debtors have not taken any steps to set aside the exparte order passed against them on 19.09.2013. Further, no prejudice will be caused to the respondents if the present application is allowed which is only a formal application to substitute the authorised signatory of the decree holder company, without introducing any new claim or altering the substantive rights of the parties. In view of the above discussion, this court is of the considered opinion that this application is to be allowed.

Accordingly, this application is allowed. No cost.

MASTER