NATIONAL COMPANY LAW APPELLATE TRIBUNAL
AT CHENNAI

(APPELLATE JURISDICTION)

Company Appeal (AT) (CH) No.101/2026
(IA Nos.1438, 1439, 1440 & 1441/2026)

In the matter of:

M/s. Asoka Betelnut Company Private Limited
Rep by its Managing Director
Mr. Munukur Kumara Krishna
 # 481, Dr. Nanjappa Road,
Coimbatore – 641 018. **…Appellant**

V

M.C. Satyavathi
Wife of late Mr. M.K. Chandrakanth
A-4 La Palace, No. 24, Ormes Road,
3rd Cross, Kilpauk,
Chennai - 600 010

K. Shyamala
Daughter of late Mr. M.K. Chandrakanth
Rep by her Power of Agent,
Mr. A. Anand kumar
Son of late Mr. A.S. Adhinarayanan
No.33/5, Vidhyalaya Road, Srirangapalyam,
Hasthampatty, Salem - 636 007.

G.S. Janarthanan
Son of late Mr. G.C. Subbu Krishna
No 8-B, Colony, Perumalpuram,
Tirunelveli - 627 007.

Mr. M.C. Sowmyaram
Son of late Mr. M.K. Chandrakanth
Flat No A-4 La Palace
New No 24, Ormes Road, 3rd Cross, Kilpauk,
Chennai - 600 010.

Registrar of Companies (RoC) Coimbatore
No.7, AGT Business Park
Avinashi Road,
Civil Aerodrome Post, Coimbatore,

Tamil Nadu. **…Respondents**

Present :

For Appellants : Mr. R. Meenakshi Sundaram, Advocate
For Respondents : Mr. B. Manimaran, Advocate for R2 & R3
Ms. G. Keerthana, Advocate for R4

ORDER
(Hybrid Mode)

Oral Judgment: Justice Sharad Kumar Sharma, Member (Judicial):-

13.10.2026:

The instant company appeal has been preferred by the Respondent, of the Company Petition, herein the appellant expressing its grievances as against the impugned order dated 18.06.2026, that has been passed in IA (CA)/7/CHE/2026 preferred in CP (CA)/21/CHE/2023. By virtue of the impugned order, a permission has been granted to amend the cause title of the Company Petition so as to make the mother and sister of the petitioner to the Company Petition, as parties to the Company Petition.

2. The Company Appeal is accompanied with a Condone Delay Application, being IA No.1441/2026, wherein the Appellant has sought a condonation of 5 days of delay, that has chanced in preferring the appeal. Having heard the learned counsel for the parties and after going through the reasons given in the application, the delay of 5 days deserves to be condoned, accordingly the same is condoned. Accordingly, **IA No.1441/2026** would stand allowed.

3. The backdrop of the proceedings are, that a Company Petition being CP(CA)/21(CHE)/2023 has been filed under Section 213 of the Companies Act, 2013, to be read with Rules 11, 13, 14 and 80 of the National Company Law Tribunal Rules, 2016, before Learned NCLT, Chennai and it is pending consideration. The parties interse amongst themselves, have got a chequered history of litigation, and they had been contesting several proceedings, by way of a civil suit as well as by way of the said Company Petition. Be that as it may. At this stage we are not required to venture into the effect of the pending proceedings, whose impact will come up for consideration when the Company Petition is decided on its own merit.

4. So far as the instant impugned order is concerned, the instant order is in the shape of an order of amendment, wherein the Petitioner has been permitted to carry out the amendment in the cause title of the Company Petition preferred by him. This order of amendment is, being challenged by the Appellant herein, contending thereof that the copy of the application and an opportunity to file reply to the said application were not provided to him and hence the order of 18.06.2026 is vitiated.

5. We are not in a position to agree with the argument extended by the learned counsel for the Appellant, for the reason being that if we see the prior order dated 11.12.2025, that has been referred in the impugned order, the

petitioner was permitted to file an impleadment application by the said order. The relevant part of the order reads as under: -

> *"Ld. Counsel Mr. B.Manimaran stated that he would be filing an impleadment application in the array of the Petitioner for the mother and sister of the Petitioner and states that both are necessary and proper parties in the petition. In the interest of justice and to adjudicate just and proper, the* ***Applicant is permitted to file impleadment application****. Application be served to the Petitioner and Respondent. Application may be filed within three weeks.*
>
> *List the Petition and the Application for hearing on 20.02.2026".*

6. It is seen that learned Tribunal, while carrying out the proceedings on 11.12.2025, after taking into consideration the necessity of the impleadment of the mother and sister of the Petitioner in the CP as the party to the proceedings of the Company Petition, had permitted the Applicant, i.e., the Petitioner of the Company Petition, to file the impleadment application in the Company Petition. This order of granting permission to the Petitioner to file the impleadment application has not been put to challenge by the Appellant herein. This may be one of the facets requiring consideration of what will be the impact of the order of 11.12.2025, over the impugned order of 18.06.2026. As a matter of fact, the permission given to file an impleadment application by virtue of an order of 11.12.2025, has attained finality, since the order was never challenged.

7. We further note that when the Petitioner filed IA No.7/2026; the impugned order reflects, that the Appellant was granted time to file an objection, but that was not done and hence the Tribunal was constrained to pass an order of allowing IA No.7/2026, permitting to carry out the amendment to the description of the parties to the Company Petition.

8. Another question, that falls for consideration is, as to whether the Appellant, who is the opposite party of the proceedings under Section 213 of the Companies Act, 2013, to be read with Rules 11, 13, 14 and 80 of the National Company Law Tribunal Rules, 2016, has got any right to put to challenge the order of permitting to carry out the amendment in the description of the cause title of the Company Petition. The Appellant herein since being the opposite party to the proceedings, is not the master of the proceedings of the Company Petition. Master of the proceedings happens to be the petitioner, that is, the Respondent herein and under the principles of *dominus litus*, the Petitioner in the Company Petition has got all his right to choose his opponent, whomsoever he considers to be necessary, and that aspect has already been considered in the order of 11.12.2025. Therefore, filing of the consequential application, being IA No.7/2026 to implead and carry out the amendment in the Company Petition, does not prejudice any material right of the Appellant himself at this stage.

9. The amendment thus carried would facilitate an effective adjudication, because all the issues will be open for the Appellant to put a challenge at the stage when he questions the proceedings of the Company Petition. Since the order under challenge is an amendment in the cause title in pursuance to the order of 11.12.2025, coupled with the fact, that it is governed by the principles of *dominus litus*, we are not inclined to interfere in the impugned order. The Company Appeal accordingly stand dismissed.

[Justice Sharad Kumar Sharma]
Member (Judicial)

[Jatindranath Swain]
Member (Technical)

VG/AA/MS