

Comp.A.Nos.482 & 483 of 2018

in

C.P.Nos.57 & 58 of 2008

SENTHILKUMAR RAMAMOORTHY,J.

By earlier order dated 25.10.2019, the Registry was directed to print the name of the Respondent in the cause list, in view of the fact that the Respondent was served by substituted service, but there was no appearance for the Respondent. The name of the Respondent is printed in the cause list today. But, once again, there is no appearance for the Respondent. Therefore, the present applications are taken up for hearing.

2.The learned counsel appearing for the Applicant in these two applications submits that the Respondent Company had paid a sum of Rs.2,50,000/- in each of the company petitions by way of demand draft dated 26.06.2009 and that to the best of the knowledge of the applicant, the petitions were not listed thereafter for about seven years. It was further submitted that when the Company Petitions were listed on 24.01.2018 and 27.01.2018, instructions could not be provided by the applicant to the counsel and, that, in such circumstances, the impugned order dated 28.02.2018 was passed. Therefore, the present applications are filed to set aside the common

order dated 28.02.2018 in Company Petition Nos.57 & 58 of 2008 and to restore the same on file.

3.Upon considering the oral submissions of the learned counsel for the applicant and on examining the averments in the affidavit filed in support of the said Applications, I am of the view that the applicant has made out a case to allow the present Applications so as to restore the company petitions and thereafter decide the same on merits.

4.Consequently, both these applications are allowed and Company Petition Nos.57 & 58 of 2018 are restored. The Registry is directed to list the said Company Petitions for hearing on 15.11.2019 along with any application filed in this connection.

5.List the case on 15.11.2019.

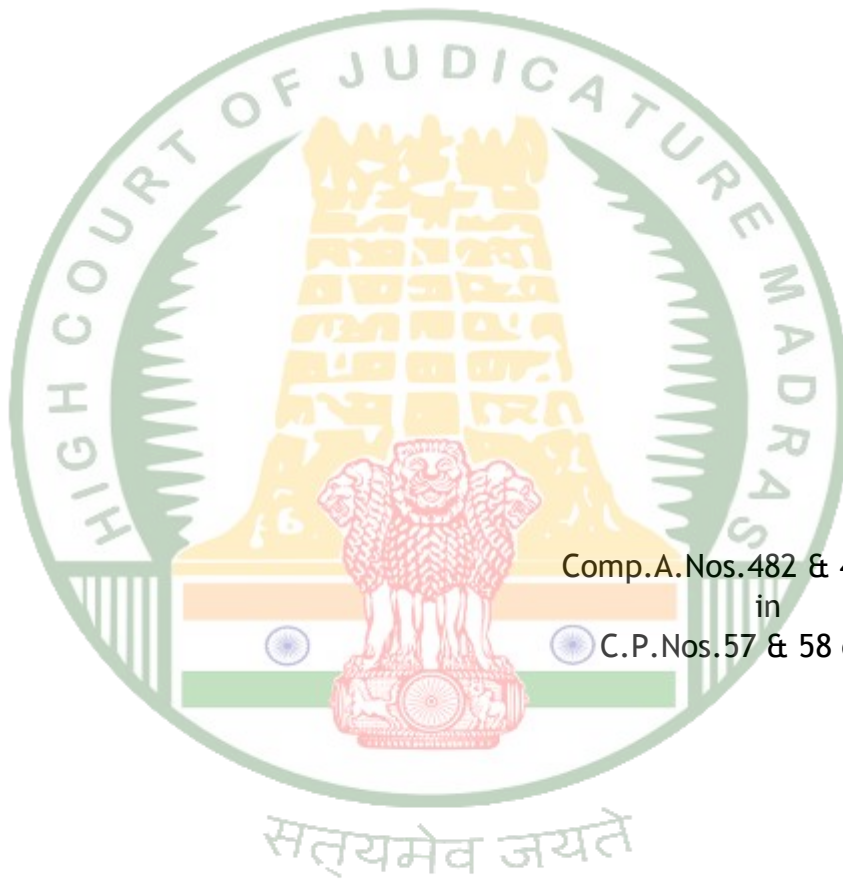
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