

CMP NOS.20755 & 20757 OF 2019  
IN CMA NOS.1262 & 1263 OF 2017

K.K.SASIDHARAN, J.  
AND  
ABDUL QUDDHOSE, J.

(Order of the Court was made by K.K.SASIDHARAN, J.)

These Civil Miscellaneous Petitions are filed to set aside the common judgment dated 22.03.2019 in CMA Nos.1262 and 1263 of 2017.

2. The Civil Miscellaneous Appeals preferred by the petitioner were dismissed on the ground of non prosecution.

3. The petitioner in her affidavit filed in support of these Miscellaneous Petitions indicated the reasons for the absence on the date of hearing.

4. We have heard the learned counsel for the petitioner as well as the learned counsel for the respondent.

5. The petition filed by the wife for divorce was dismissed. The petition filed by the husband for restitution of conjugal rights was allowed. It was against these two orders, the petitioner filed the above appeals.

6. After hearing the learned counsel for the parties and on a perusal of the reasons given by the petitioner, in the respective Miscellaneous Petitions, we are of the view that the common judgment dated 22.03.2019 in CMA Nos.1262 and 1263 of 2017 deserves to be set aside.

7. The common judgment dated 22.03.2019 in CMA Nos.1262 and 1263 of 2017 is recalled and the Civil Miscellaneous Appeals are restored to file.

8. Post the appeals formally on 14.10.2019.

(K.K.S., J.) (A.Q., J.)  
26.09.2019

TK

K.K.SASIDHARAN, J.

AND

ABDUL QUDDHOSE, J.

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