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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**
+ **CRL.M.C. 306/2016 & CRL.M.A. 9571/2016**

SONA ANEJA Petitioner
Through: Mr. Manoj Kumar, Advocate.

versus

ROHIT ANEJA Respondent
Through: Mr. K. Singhal (*Amicus Curiae*) with
Ms. Shilpa G. Mittal, Advocate.

CORAM:
HON'BLE MR. JUSTICE R.K.GAUBA

ORDER
% **27.08.2018**

On the petition (CC No.182/4/14) under Section 12 of Protection of Women from Domestic Violence Act, 2005 (PWDV Act), presented in May, 2010 by the petitioner, *inter alia*, the respondent (husband) had been called by the Metropolitan Magistrate. The pleadings were completed and thereafter, the case has been taken to the stage of evidence of the petitioner. Several dates were given which were not properly availed of. Against this backdrop, on the account of absence on her behalf, the petition was dismissed by the Metropolitan Magistrate by order dated 29.10.2015. She later moved an application for restoration seeking to explain, *inter alia*, the reasons for her non-appearance and the defaults committed by her counsel. The Magistrate, by order dated 07.12.2015, declined to restore the proceedings. This has led to present petition being filed under Section 482 of Code of Criminal Procedure, 1973 (Cr.P.C.), it being pressed only against the husband (respondent).

Having regard to the facts and circumstances explained, particularly the defaults on the part of the counsel representing the petitioner, the petition under Section 12 of (PWDV Act) is restored on the file of Metropolitan Magistrate who shall proceed further from the stage it was at the time of its dismissal on 29.10.2015. Needless to add, the petitioner will be expected to diligently prosecute the case hereafter, not seek any frivolous or unnecessary adjournments, she being obliged further to ensure presence of her counsel at the time of hearing.

The parties shall appear before the Metropolitan Magistrate on 17th September, 2018.

With these observations, the petition and the application filed therewith are disposed of.

Dasti.

R.K.GAUBA, J

AUGUST 27, 2018

srb