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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**
+ **CRL.M.C. 455/2023**
VIJAY CHAURASIYA AND ORS Petitioners
Through: Mr. Abhinav, Advocate

versus

PREETI CHAURASIYA Respondent
Through: Mr. M.K. Saroja, Advocate

CORAM:
HON'BLE MR. JUSTICE MANOJ KUMAR OHRI

ORDER
05.01.2024

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1. By way of present petition filed under Section 482 Cr.P.C., the petitioners seek setting aside of the order dated 28.11.2022 passed in CRL.A. 178/22.
2. Learned counsel for the petitioners submits that the present case arises out of the proceedings filed by the respondent under Section 12 of Protection of Women from Domestic Violence Act titled as '*Smt. Preeti Chaurasiya & Anr. v. Sh. Vijay Chaurasiya & Ors.*' pending before Tis Hazari Court, Delhi.
3. Briefly, the facts are that the petitioners' defence was struck off by the learned Trial Court on 19.05.2022 against which an appeal was preferred. While disposing of the appeal, vide order dated 03.11.2022, the petitioners were granted opportunity to file the written statement as well as accompanied documents within one week subject to payment of cost of Rs.2,000/-. The petitioners claim that the written statement could not be



filed in the time granted as petitioner No.1's mother got injured in a fire incident, to which she later succumbed.

4. Learned counsel for the petitioners submits that one last opportunity may be granted to file the same as the written statement as well as income affidavit are ready and the same would be filed within one week.

5. Learned counsel for the respondent has resisted the prayer however states that some costs be imposed on the petitioners.

6. In view of the above, the present petition is disposed of with direction to the petitioners to file the written statement as well as income affidavit, as a last opportunity, subject to payment of costs of Rs.10,000/- to be paid to respondent within a period of one weeks from today.

MANOJ KUMAR OHRI, J

JANUARY 5, 2024
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