

Court No. - 21

Case :- FIRST APPEAL No. - 1127 of 2023

Appellant :- Smt. Kanak Alias Smt. Kanak Raj And Another

Respondent :- Kamal Kumar

Counsel for Appellant :- Jitendra Pal Singh Chauhan

Hon'ble Manoj Kumar Gupta,J.

Hon'ble Donadi Ramesh,J.

1. The instant appeal is directed against the order dated 28.08.2023 passed by Additional Principal Judge, Family Court No. 2, Muzaffarnagar disposing of the application of the appellants under Section 125 Cr.P.C.

2. Under Section 19(2) of the Family Court Act, 1984, it is specifically provided that no appeal shall lie from a decree or order passed by the Family Court or from an order passed under Chapter IX of the Code of Criminal Procedure. As Section 125 falls under Chapter IX of the Code of Criminal Procedure, therefore, the instant appeal under Section 19 of the Act would not be maintainable.

3. The appeal is dismissed with liberty to the appellant to avail such other remedy as is available.

4. Office shall return the certified copy of the judgment and order to the counsel for the appellants after retaining its photostat copy on record. The request for return of the original affidavit to the appellants is rejected.

Order Date :- 18.10.2023

Mukesh Kr.

(Donadi Ramesh,J.) (Manoj Kumar Gupta,J.)