

Court No. - 1

Case :- FIRST APPEAL DEFECTIVE No. - 65 of 2023

Appellant :- Balram Kallan Shilpkar

Respondent :- Smt Reena

Counsel for Appellant :- Sajjad Husain

Hon'ble Attau Rahman Masoodi,J.

Hon'ble Om Prakash Shukla,J.

C.M.A. No.1 of 2023 (Application for condonation of delay)

1. Heard Shri Sumit Kumar holding brief of Shri Sajjad Husain, learned Counsel for the appellant.

2. The present instituted under Section 19(1) of Family Courts Act, 1984 (hereinafter referred to as 'the Act') is delayed by 147 days. The appeal is accompanied with an application for condonation of delay supported by an affidavit.

3. The cause shown being sufficient, the application for condonation of delay is allowed and the delay in filing the appeal is hereby condoned.

Order on Appeal

4. This is an appeal instituted by the husband under Section 19(1) of the Family Court Act arising out of the judgment and order dated 28.02.2023 passed on an application filed under Section 125 Cr.P.C. whereby an amount of Rs.3000/- awarded to the wife and Rs.1000/- each to minor son and daughter towards maintenance pendente lite has been fixed by the Family Court against which the appellant being aggrieved has approached this Court by filing the present appeal.

5. The appeal filed under Section 19(1) of the Act in respect of the proceeding arising out of the orders passed under Section

125 Cr.P.C. may not be maintainable. However, by virtue of Section 19(4) of the Act, a revision would lie.

6. The appeal is, accordingly, **dismissed** with the liberty as above.

7. Certified copy of the impugned order may be returned to learned Counsel for the appellant after retaining a photocopy of the same on record.

(Om Prakash Shukla, J.) (Attai Rahman Masoodi, J.)

Order Date :- 1.12.2023

Anand Sri./-