

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION
FAMILY COURT APPEAL NO.112 OF 2008

Ganesh Dhondu Gurav.	..	Appellant
Vs		
Mrs. Suman Ganesh Gurav.	..	Respondent
—		
None for the Appellant.		
None for the Respondent.		
—		

CORAM : A.S. OKA & A.K.MENON, JJ
DATED : 15TH JANUARY 2015

PC.

. None appears for the Appellant though the Appeal was called out today on two occasions.

2. The challenge in this Appeal is to the judgment and order dated 18th February 2008 passed by the Family Court at Bandra. We find that by the said judgment and order, the Petition No.E-794 of 2000 filed by the Respondent wife has been finally allowed. We find from the perusal of the Petition No.E-794 of 2000 that the same has been filed for grant of maintenance under Section 125 of the Code of Criminal Procedure, 1973. In view of the Sub-section (2) of Section 19 of the Family Court Appeal Act, 1984, an Appeal from an order passed under Chapter IX of the Code of Criminal Procedure, 1973 is barred.

However, under Sub-section (4) of Section 19 of the Family Court Act, 1984, a remedy of filing a Revision Application is available.

3. We find that the Appeal is admitted by this Court. As the appeal is not maintainable, we direct that this Appeal shall be converted into a Revision Application under Sub-section (4) of Section 19 of the Family Court Act, 1984. The Appeal shall be numbered as the Revision Application after the Appellant carries out appropriate amendment.

4. We, however, make it clear that the Revision Application will have to be heard finally in the light of the order dated 16th July 2008. We also clarify that the directions contained in the order dated 16th July 2008 will continue to operate till further orders.

(A.K.MENON, J)

(A.S. OKA, J)