

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CIVIL MISCELLANEOUS JURISDICTION No.1178 of 2016**

=====

Anurag Sharma

.... Appellant/s

Versus

Sneha Jyoti

.... Respondent/s

=====

Appearance :

For the Appellant/s : Mr. Dinesh Kumar Gupta

For the Respondent/s : Mr.

=====

**CORAM: HONOURABLE MR. JUSTICE MUNGESHWAR
SAHOO
ORAL ORDER**

2 29-11-2016

The petitioner has challenged the final order dated 16.04.2016 passed by Principal Judge, Family Court, Munger in Matrimonial Case No.433 of 2014 whereby the learned Principal Judge, Family Court has dismissed matrimonial case as not maintainable.

A Full Bench decision of the Patna High Court in the case of Sunita Kumari v. Prem Kumar, 2009(3) PLJR 990 has held that provisions under Section 19 of the Family Court Act, 1984 have a wider ambit so as to cover all kinds of judgment and orders made appealable by express provision of that section and not only decree as defined under C.P.C. Therefore, since the order is not an interlocutory order and finally the matrimonial case has been dismissed, in my opinion, it is appealable under Section 19 of the Family Court Act, 1984.

The learned counsel for the petitioner accordingly

seeks permission to convert this Civil Miscellaneous case to a Miscellaneous Appeal under the provisions of Family Court Act within three weeks.

Accordingly, permission is accorded. The petitioner shall convert this Civil Miscellaneous application to Miscellaneous Appeal within three weeks.

(Mungeshwar Sahoo, J)

Saurabh/-

U			
---	--	--	--