

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**Civil Writ Jurisdiction Case No.18828 of 2015**

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Shri Ashish Ranjan Kumar Mishra @ Shri Ashish Ranjan Kumar @ Munna  
..... Petitioner/s

Versus

Smt. Ruby Devi

..... Respondent/s

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**Appearance :**

For the Petitioner/s : Mr. Rajesh Kumar

For the Respondent/s : Mr.

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

2      30-06-2016              The learned counsel for the petitioner submitted that the Matrimonial case No.5379 of 2014 has been dismissed by the Principal Judge, Family Court, Patna.

In view of the submission, it appears that the order impugned dated 04.08.2015 is not an interlocutory order as by the said order, the proceeding itself has been disposed of, as such the order is appealable under Section 19 of the Family Court Act, 1984. In such view of the matter when the petitioner has got the remedy under another statute, this writ application is not maintainable under Article 227 of the Constitution of India. However, the learned counsel submitted that he may be permitted to convert this writ application to Misc. Appeal according to the Full Bench decision of the High Court reported in **2009 (3) PLJR 990**.

In view of the submission, the petitioner is permitted to

convert this writ application to Misc. Appeal within two weeks  
failing which this writ application shall stand dismissed  
automatically as not maintainable.

**(Mungeshwar Sahoo, J)**

Sanjeev/-

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