

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CIVIL MISCELLANEOUS JURISDICTION No.155 of 2016**

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Samir Kumar

.... Appellant/s

Versus

The State of Bihar & Ors

.... Respondent/s

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Appearance :

For the Appellant/s : Mr. Sudha Chandra

For the Respondent/s : Mr. Kumar Manish- Sc21

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

2 08-08-2016

Heard learned counsel Mr. Surendra Kumar Singh for the petitioner and learned counsel Mr. Deepak Kumar, A.C. to S.C.5.

This application under Article 227 of the Constitution of India has been filed by the petitioner for setting aside the order dated 09.10.2015 and 03.12.2015. Prayer has also been made for quashing the condition part of the judgment dated 20.01.2015 passed by Principal Judge, Family Court, Khagaria in Miscellaneous Case No.07 of 2014. Prayer has also been made for commanding the Principal Judge, Family Court, Khagaria to treat the service report dated 27.03.2015 as personal service of the judgment.

From perusal of the order dated 09.10.2015, it appears that the court below has only said that there is no provision for

publication of judgment in the newspaper. So far order dated 03.12.2015 is concerned, the court below has directed the petitioner to file copy of the judgment for effecting the service of the same on the respondent (opposite party in Miscellaneous Case No.07 of 2014).

It appears that this miscellaneous case was initiated by the petitioner praying for custody of the minor daughter. By the order dated 20.01.2015 the said miscellaneous case has already been allowed.

Prayer has been made for quashing the last portion of the order disposing of the miscellaneous case. So far two orders impugned are concerned, I find that both the orders are routine orders, therefore, there is no question of interference arises. So far quashing of the part of the order dated 20.01.2015 passed by Principal Judge, Family Court, Khagaria in Miscellaneous Case No.07 of 2014 is concerned, it may be mentioned here that by the said order miscellaneous case has been disposed of. Therefore, it is appealable under Section 19 of the Family Court Act, 1984. So far relief claimed by the petitioner that the Principal Judge, Family Court, Khagaria be commanded to treat the service report dated 27.03.2015 as personal service of the judgment is concerned, it

may be mentioned here that for the said relief this application under Article 227 of the Constitution of India is not maintainable.

Accordingly, this civil miscellaneous application is dismissed.

(Mungeshwar Sahoo, J)

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