

IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CIVIL APPELLATE JURISDICTION

Family Court Appeal NO. 78 OF 2015

MR. DEEPAK NARASIMHA NAYAK

...Appellant.

Versus

MRS. SHEETAL W/O. DEEPAK NAYAK

...Respondent

*Mr.J.A.Udaipuri i/b. M/s.UDAIPURI AND COMPANY, for the Appellant.**Ms.Leena Rajesh Temkar, for the Respondent.*

**CORAM : A.S.OKA &
G.S.KULKARNI, JJ.**

DATED : 16th MARCH,2016.

P.C.:-

1. This appeal is admittedly directed against that part of the judgment and decree dated 5th January,2015 by which the Application made by the Respondent-Wife under Section 125 of the Code of Criminal Procedure,1973 has been allowed. Under Sub-section (2) of Section 19 of the Family Courts Act,1984 (for short "the said Act"), an appeal against the order passed under Section 125 of the Code of Criminal Procedure, 1973 is specifically barred. The remedy of the Appellant is under Sub-section (4) of Section 19 of the said Act.

2. We, accordingly, dispose of the appeal as not maintainable.

However, the remedy of the Appellant under sub-section (4) of Section 19 of the said Act is kept open.

3. Civil Application no.209 of 2015 does not survive and the same is disposed of.

4. At this stage, the learned Counsel appearing for the Appellant prays for stay of recovery of maintenance amount. By order dated 26th August,2015 passed in Civil Application No.209 of 2015, the Applicant/Appellant was directed to clear the arrears of maintenance within four weeks. Admittedly, the Applicant/Appellant has not complied with the said direction. Hence, the prayer is rejected.

(G.S.KULKARNI, J.)

(A.S.OKA, J.)