

The Hon'ble Sri Justice C.V.Nagarjuna Reddy

and

The Hon'ble Smt. Justice T.Rajani

Family Court Appeal No.73 of 2017

Date: 02.03.2017

Between:

Madala Kalyani @ Raga Kalyani and 2 others

... Appellants

and

Madala Venkata Prasad

...Respondent

Counsel for the Appellants: Mr.T.Sreedhar

Counsel for the respondent: Mr.Kambampati Ramesh Babu

The Court made the following:



Judgment: (Per the Hon'ble Sri Justice C.V.Nagarjuna Reddy)

This purported Appeal arises out of Order, dated 05.08.2016, in FCOP.No.192 of 2011 on the file of the Family Court, SPSR Nellore District.

The learned Counsel for both parties addressed on the issue of maintainability of this Appeal.

Under Section 19 (2) of the Family Courts Act, 1994 (for short 'the Act'), there is a bar on filing of Appeal against an order passed under Chapter IX of the Code of Criminal Procedure, 1973 (for short 'the Cr.P.C.'). Admittedly, Section 125 of the Cr.P.C., falls under Chapter IX thereof. Therefore, in view of the said provision, the present Appeal is not maintainable. However, this Court is conferred with the revisional jurisdiction *suo motu* or otherwise under Sub-Section 4 of Section 19 of the Act. If the appellants so choose, they can seek return of the file and convert the Appeal into one of Revision.

As the Registry has wrongly registered this case as Appeal, it is directed to deregister the same and return the file

to the appellants for taking appropriate steps as suggested above.

FCA is, accordingly, rejected.

As a sequel, Miscellaneous Petitions, pending if any, stand rejected.

(C.V.Nagarjuna Reddy, J)

Dt: 2nd March, 2017
lur

(T.Rajani, J)

