

IN THE HIGH COURT OF JUDICATURE AT PATNA
Miscellaneous Appeal No.821 of 2018

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Jayant Kumar Jayswal @ Jayant Kumar

... .. Appellant/s

Versus

Smt. Rinki Jayaswal & Anr

... .. Respondent/s

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Appearance :

For the Appellant/s : None.

For the Respondent/s :

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CORAM: HONOURABLE DR. JUSTICE RAVI RANJAN
and
HONOURABLE MR. JUSTICE MADHURESH PRASAD
ORAL ORDER

(Per: HONOURABLE DR. JUSTICE RAVI RANJAN)

2 04-10-2018 None for the appellant.

Perused the office notes.

This appeal has been preferred against the order dated 20.04.2018 passed by the Principal Judge, Family Court, Araria in Maintenance Case No. 220/2017.

It appears from the impugned judgment that the maintenance case was filed under Section 125 Cr. P.C.

The office has raised an objection that this appeal would not be maintainable as there is no provision of appeal against such order in the Family Courts Act as Section 19 (2) of the Act completely bars that.

This issue is no longer *res integra* having been considered and decided by a Division Bench of this Court



rendered in **2008 (4) PLJR 817 (Raj Kumar Sah Vs. The State of Bihar and another)**, holding that, in such a situation, Criminal Revision under Section 19 (4) of the Family Courts Act, 1984 would be maintainable.

Accordingly, this appeal is held to be not maintainable.

However, the appellant, if so desires, would be at liberty to convert this appeal into Criminal Revision under Section 19 (4) of the Family Courts Act, 1984 within a period of four weeks, failing which this appeal shall stand dismissed without further reference to a Bench.

(Dr. Ravi Ranjan, J)

(Madhuresh Prasad, J)

V.K.Pandey/-

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