

IN THE HIGH COURT OF JUDICATURE AT PATNA
Miscellaneous Appeal No.261 of 2017

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1. Sulekha Kumari, Wife of Sunil Kumar, Resident of Mohalla- Garhpar, P.S.- Nawada in the district of Nawada.
2. Shraya Anand @ Shray Anand, Son of Sunil Kumar (minor).
3. Sejal Anand, Daughter of Sunil Kumar (minor) Both are under guardianship of mother namely Suledha Kumari, resident of Mohalla-Garhpar, P.S. Nawada in the district of Nawada.

.... Appellants.

Versus

1. Sunil Kumar, Son of Late Chhotan Prasad, Resident of Mohalla-Garhpar, Nardiganj road Nawada, P.S.- Nawada, District- Nawada.

.... Respondent.

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Appearance :

For the Appellant/s : Mr. Raj Kumar, Advocate.

For the Respondent/s : Mr.

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CORAM: HONOURABLE DR. JUSTICE RAVI RANJAN
and
HONOURABLE MR. JUSTICE PRAKASH CHANDRA
JAISWAL

ORAL ORDER

(Per: HONOURABLE DR. JUSTICE RAVI RANJAN)

03 13-04-2018 This appeal has been preferred against the judgment dated 31.08.2016 passed by the Principal Judge, Family Court, Nawada in Misc. Suit No.13 of 2010.

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 orders 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, learned counsel for the appellant proposes to withdraw this appeal to file a Criminal Revision under Section 19 (4) of the Family Courts Act, 1984.

Leave is granted.

This appeal is dismissed as withdrawn with the aforesaid liberty granted to the appellant.

(Dr. Ravi Ranjan, J.)

(Prakash Chandra Jaiswal, J.)

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