

IN THE HIGH COURT OF JUDICATURE AT PATNA
Miscellaneous Appeal No.173 of 2017

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Amlesh Singh @ Amresh Singh

.... Appellant/s

Versus

Smt. Vibha Devi

.... Respondent/s

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Appearance :

For the Appellant/s : Mr. Birendra Kumar, Adv.

For the Respondent/s :

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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 29-01-2018 This appeal has been preferred against the order dated 25.01.2017 passed by the Principal Judge, Family Court, Nawada in Misc. Case (Maintenance) No.23 of 2011.

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, 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.)

(Prakash Chandra Jaiswal, J.)

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