

IN THE HIGH COURT OF JUDICATURE AT PATNA
Miscellaneous Appeal No.44 of 2017

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Md. Modakhir Hashmi

.... Appellant/s

Versus

Afroz Khatoon

.... Respondent/s

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Appearance :

For the Appellant/s : Mr. Rajeev Ranjan, Advocate.

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)

2 09-04-2018

Perused the office note.

It appears from the order under challenge that the same has been passed in a proceeding under Section 125 Cr.P.C.

Accordingly, in view of the bar created under Section 19(2) of the Family Courts Act 1984, the appeal would not be maintainable against such order.

As per the decision of Division Bench of this Court rendered in 2008 (4) PLJR 817 (Raj Kumar Sah Vs. The State of Bihar and another), Criminal Revision under Section 19 (4) of the Family Courts Act, 1984 would be proper remedy.

Accordingly, the appellant 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)

Mishra/-

(Prakash Chandra Jaiswal, J)

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