

IN THE HIGH COURT OF JUDICATURE AT PATNA
Miscellaneous Appeal No.127 of 2016

Rajiv Ranjan Kumar Pandey

... .. Appellant/s

Versus

Priyanka Pandey

... .. Respondent/s

Appearance :

For the Appellant/s : Mr. Sanjay Kumar Ojha, Advocate
For the Respondent/s : Mr.

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

(Per: HONOURABLE DR. JUSTICE RAVI RANJAN)

2 05-09-2018

Perused the office notes.

This appeal has been preferred against the order dated 24.11.2014 passed by the Principal Judge, Family Court, Muzaffarpur in Maintenance Case No. 07/2009.

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 two 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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