

IN THE HIGH COURT OF JUDICATURE AT PATNA
Miscellaneous Appeal No.596 of 2017

Mantosh Kumar @ Mantosh Yadav @ Mantosh Kumar Yadav

... .. Appellant/s

Versus

Sanju Devi

... .. Respondent/s

CORAM: HONOURABLE DR. JUSTICE RAVI RANJAN
and
HONOURABLE MR. JUSTICE S. KUMAR
ORAL ORDER

(Per: HONOURABLE DR. JUSTICE RAVI RANJAN)

3 06-07-2018 Perused the office note.

This appeal has been preferred against the judgment dated 27.05.2017 passed by the Principal Judge, Family Court, Buxar in Maintenance Case No. 56(M) of 2011.

It appears from the impugned judgment that the maintenance case was filed under Section 125 of the 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.

The 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.

(Dr. Ravi Ranjan, J)

(S. Kumar, J)

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