IN THE HIGH COURT OF JUDICATURE AT PATNA
Miscellaneous Appeal No. 945 of 2017

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Ramdeo Sah

... ... Appellant/s

Versus

Ambika Devi & Anr

... ... Respondent/s

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Appearance :
For the Appellant/s : Mr. Ashok Kumar Keshari, Advocate
For the Respondent/s: Mr.

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

ORAL ORDER

(Per: HONOURABLE DR. JUSTICE RAVI RANJAN)

6 05-09-2018 Perused the office notes.

This appeal has been preferred against the order dated 18.08.2017 passed by the Principal Judge, Family Court, Supaul in Misc. Case No. 91 of 2015.

It appears from the impugned judgment that the maintenance case was filed under Section 127 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

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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.

As prayed, learned counsel for the appellant is permitted 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)

(Madhuresh Prasad, J)

Vikash/-

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