

IN THE HIGH COURT OF JUDICATURE AT PATNA
Miscellaneous Appeal No.789 of 2018

Neeraj Kumar Das

... .. Appellant/s

Versus

Lipika Devi and Ors

... .. Respondent/s

Appearance :

For the Appellant/s : Mr.Ajit Kumar Singh
For the Respondent/s : Mr.

CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
and
HONOURABLE MR. JUSTICE ARVIND SRIVASTAVA
ORAL ORDER

(Per: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH)

3 14-08-2019 Heard learned counsel for the appellant.

The present Miscellaneous Appeal has been preferred against the order dated 25.05.2017 passed by the learned Principal Judge, Family Court, Purnea, in Maintenance Case No. 48 of 2015, whereby the issue of maintenance under Section 125 of the Cr.P.C. has been decided.

However, the impugned order does not reflect as under which provision of law, the issue of maintenance has been decided but learned counsel for the appellant has produced a copy of the petition filed before the learned Court below on the basis of which Maintenance Case No. 48 of 2015 was registered which suggests that maintenance has been claimed under Section 125 of the Code of Criminal Procedure.



In the circumstances, the present Miscellaneous Appeal is not maintainable.

It appears that the matter has been listed under the heading 'For Orders (On Petitions) which reflects the poor quality of stamp reporting being done.

However, learned counsel for the appellant is permitted to convert the present Miscellaneous Appeal into a criminal revision in view of the ratio laid down in the case of *Rajkumar Sah Vs. The State of Bihar & Anr. (Criminal Revision No.321 of 2008)* reported in *2008 (4) PLJR 817* by 30th of August, 2019 failing which the memo of appeal shall stand rejected without further reference to the Bench.

On conversion, the present Miscellaneous Appeal shall stand disposed of.

(Dinesh Kumar Singh, J)

(Arvind Srivastava, J)

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