

IN THE HIGH COURT OF JUDICATURE AT PATNA
Miscellaneous Appeal No.95 of 2017

Manoj Kumar @ Manoj Kumar Singh Son of Ram Kumar Singh resident of Lodipur, Police station Mahendia, District- Arwal.

... .. Appellant/s

Versus

1. Rajani Devi, Wife of Manoj Kumar Singh Resident of Village Lodipur, Post Office Sharbarpur, Police Station- Mahendia, District- Arwal, At Present C/o Suresh Singh , resident of Khaderan Bigha, Police Station- Rampur Churam, District- Arwal.
2. Jagnath Singh Son of Manoj Kumar Singh Resident of Village-Lodipur , Police Station- Mahendia , District- Arwal, At Present C/o Suresh Singh, resident of Khaderan Bigha, Police Station- Rampur Chauram, District- Arwal, Minor Under the guardianship of his mother and next friend Rajni Devi.

... .. Respondent/s

Appearance :

For the Appellant/s : Mr. Anil Singh
For the Respondent/s : Mr.

CORAM: HONOURABLE MR. JUSTICE JYOTI SARAN
and
HONOURABLE MR. JUSTICE ARVIND SRIVASTAVA
ORAL ORDER

(Per: HONOURABLE MR. JUSTICE JYOTI SARAN)

3 08-02-2019 The appellant is aggrieved by the order dated 26.11.2016 passed in Miscellaneous Case No. 17 of 2016 arising out of Maintenance Case No. 53 of 2012 filed under section 125 of the Code of Criminal Procedure.

The order impugned in this appeal shows that Maintenance Case No. 53 of 2012 was allowed on 07.04.2005 allowing Rs. 3,000/- to the respondent no.1 and Rs. 2000/- to the minor son, respondent no. 2 by way of maintenance under section 125 of the Code of Criminal Procedure.

On changed circumstance, Miscellaneous Case in



question bearing Miscellaneous Case No. 17 of 2016 has been filed in the light of Maintenance Case No. 53 of 2012, which has been allowed by the order dated 26.11.2016, which is impugned in this appeal.

In view of the legal position settled as to the forum available to an aggrieved party by an order passed by the Family Court in exercise of jurisdiction vested under section 125 of the Code of Criminal Procedure since reported in *2008(4) P.L.J.R. page 817 (Raj Kumar Sah Versus State of Bihar)* particularly paragraph nos. 8 onwards of the judgment, as prayed, learned counsel appearing for the appellant is permitted to convert this appeal into a Criminal Revision within a period of four weeks, failing which this appeal shall stand rejected without further reference to the Bench.

It goes without saying that no sooner this appeal is converted as a Criminal Revision and is registered that Misc. Appeal No. 95 of 2017 shall stand disposed of.

(Jyoti Saran, J)

(Arvind Srivastava, J)

Shailendra/-

U			
---	--	--	--

