

IN THE HIGH COURT OF JUDICATURE AT PATNA
Miscellaneous Appeal No.1138 of 2017

Sushil Kumar Bhagat @ Sushil Kumar

... .. Appellant/s

Versus

Smt. Rahmat Rozi

... .. Respondent/s

Appearance :

For the Appellant/s : Mr.Najmul Hoda

For the Respondent/s : Mr.Ram Priya Sharan Singh

CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
and
HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER

(Per: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH)

8 07-11-2019 The present Miscellaneous Appeal has been preferred against the order dated 22.09.2016, passed by learned Principal Judge, Family Court, Vaishali at Hajipur, in Maintenance Case No. 21 of 2009, whereby issue of maintenance under Section 125 Cr. P.C., has finally been decided.

It appears from the order dated 23.11.2017, passed in Criminal Revision No. 1147 of 2016, as contained in Annexure-1, that initially the appellant challenged the final order of maintenance, vide Criminal Revision No. 1147 of 2016, but subsequently he withdrew the same with liberty to prefer miscellaneous appeal.

It further appears that since the present Miscellaneous



Appeal was filed in pursuance to the above mentioned liberty, the stamp reporter did not point out any defect with regard to maintainability of the present miscellaneous appeal.

As prayed for, learned counsel for the appellant is permitted to convert the present Miscellaneous Appeal into Criminal Revision Application under Section 19(4) of the Family Courts Act, 1984 in view of the ratio laid down in the case of Raj Kumar Sah Vs. the State of Bihar and Anr., reported in 2008(4) PLJR 817, by 30th of December, 2019, failing which the present appeal shall stand dismissed without further reference to the Bench.

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

(Dinesh Kumar Singh, J)

(Anjani Kumar Sharan, J)

Amrendra/-

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