

IN THE HIGH COURT OF JUDICATURE AT PATNA
Miscellaneous Appeal No.880 of 2018

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Dipesh Raj @ Deepesh Raj, Son of Mahesh Sah, Resident of Village –
Mathura Uttar, Ward No. 09, P.S. - Narpatganj, District - Araria

... .. Appellant

Versus

Khushbu Kumari wife of Deepesh Raj, Daughter of Binod Sah, Resident of
Station Chowk Forbesganj, Ward No. 11, P.S. - Forbesganj, District - Araria

... .. Respondent

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Appearance :

For the Appellant/s : Mr. Sanjay Kumar Sharma, Adv.
For the Respondent/s : Mr.

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

(Per: HONOURABLE MR. JUSTICE JYOTI SARAN)

5 08-03-2019 Perused the office objection which informs that the appeal has been filed against the interlocutory order passed by the Family Court, Araria, in exercise of jurisdiction under Section 26 of the Hindu Marriage Act, 1955 in so far as it orders for custody of the minor child in favour of the respondent.

Learned Counsel for the appellant while accepting the position in view of the legal position settled by the Full Bench of this Court in the case of **Nilam Kumari Sinha Versus Shree Prashant Kumar**, reported in (2010)3 PLJR 632, wherein it has been held that the interlocutory order has to be questioned by filing an application under Article 227 of the Constitution of India, seeks liberty to file appropriate application.



In such view of the matter, while disposing of the appeal we permit the petitioner to move the appropriate forum, if so advised, to question the order passed by the Family Court which is impugned herein.

Ordered accordingly.

(Jyoti Saran, J)

(Arvind Srivastava, J)

Archana/
Surendra/-

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