

IN THE HIGH COURT OF JUDICATURE AT PATNA
Miscellaneous Appeal No.168 of 2018

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Sunil Kumar Yadav @ Sunil Kumar Son of Lalan Yadav, Resident of Village
Post- Nagpura, P.S.- Simari, District- Buxar.

... .. Appellant

Versus

Manju Kumari @ Mantu Kumari Wife of Sunil Kumar Yadav, D/o Deep
Narayan Yadav @ Bahadur Yadav, Resident of Village- Karisath, P.S.-
Udawan Nagar, District- Bhojpur (Ara).

... .. Respondent

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Appearance :

For the Appellant/s : Mr.Vishwanand Upadhyay
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)

3 11-01-2019 Office has raised issue of maintainability of the

present appeal filed under section 19(1) of the Family Courts
Act, 1984 as appeal questions the order passed by the Family
Court, Buxar in Matrimonial Case No. 77/2017 allowing
maintenance under section 24 of the Hindu Marriage Act. The
appeal accompanies a delay condonation application.

The issue stands decided in a Full Bench judgment of
this Court reported 2010(3) PLJR 632 (**Neelam Kumari Sinha
vs. Shree Prashant Kumar**).

Since according to the Full Bench decision a Civil
Miscellaneous application under Article 227 of the Constitution
of India is maintainable to question an order passed by the



Family Court in purported exercise of power vested under section 24 of the Hindu Marriage Act, while disposing of the appeal we allow the appellant to take recourse to the proper remedy so available to him.

The appeal stands disposed of.

The interlocutory application, if any, also stands disposed of.

(Jyoti Saran, J)

(Arvind Srivastava, J)

Surendra/-

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