

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY  
CIVIL APPELLATE JURISDICTION**

**FAMILY COURT APPEAL NO.44 OF 2019  
WITH  
CIVIL APPLICATION NO.38 OF 2019**

Reena Umesh Dikonda ... Appellant  
versus  
Umesh Kishor Dikonda ... Respondent

Mr. Sandesh Patil I/by Mr. Chintan Y. Shah, for Appellant.  
Mr. Yogesh Patil, for Respondent.

**CORAM: AKIL KURESHI &  
S.J. KATHAWALLA, JJ.**

**DATE: 7<sup>th</sup> JUNE, 2019**

**P.C.:**

1. By way of the present Family Court Appeal, the Appellant seeks enhancement of the maintenance awarded by the Family Court under Section 125 of the Code of Criminal Procedure, 1973. At the outset, the learned Advocate for the Respondent raised a preliminary objection about the maintainability of the above Appeal citing the decision of the Division Bench of this Court in the case of *Vira Chatur Kripalani V/s. Chatur Tahilram Kriplani*<sup>1</sup>. In this judgment, the Court has held that in view of Section 19 (2) of the Family Courts Act, the Appeal against the Judgment of the Family Court arising out of proceedings under Chapter IX of the Code of Criminal Procedure, 1973 would not be maintainable and only Revision

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<sup>1</sup> 2018 (4) Mh.L.J. 210

Petition could be filed.

2. In view of the above position, the learned Counsel for the Appellant seeks permission to convert the above Appeal into Revision Application. Permission granted. The above Family Court Appeal as well as Civil Application No.38 of 2019 shall be renumbered as Revision Application/Petition and be placed before the appropriate Court for further hearing.

**( S.J.KATHAWALLA, J. )**

**( AKIL KURESHI, J. )**