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\* **IN THE HIGH COURT OF DELHI AT NEW DELHI**

+ MAT.APP.(F.C.) 35/2019

SUNIL SHARMA

..... Appellant

Through Mr. Ashok Chhabra, Advocate

versus

RENU SHARMA

..... Respondent

Through

**CORAM:**

**HON'BLE MR. JUSTICE G.S.SISTANI**

**HON'BLE MS. JUSTICE JYOTI SINGH**

**ORDER**

% **05.02.2019**

**CM.APPL 5502/2019 (Exemption)**

Exemption allowed, subject to all just exceptions.

The application stands disposed of.

**MAT.APP.(F.C.) 35/2019 & CM.APPL 5501/2019(stay)**

Challenge in this appeal is to the four orders dated 29.09.2018, 23.10.2018, 03.11.2018 and 10.12.2018 passed by the Family Court arising out of the proceedings initiated by the respondent under Section 125 Cr.P.C.

In view of the judgment rendered by a Division Bench of this Court in the case of *Manish Aggarwal v. Seema Aggarwal & Ors.*, reported at (2012) 192 DLT 714(DB), more particularly para 26, which reads as under, no appeal would lie before the Division Bench, but a criminal revision will lie before a learned Single Judge.

“26. We, thus, conclude as under:

- i. In respect of orders passed under Sections 24 to 27 of the HM Act appeals would lie under Section 19 (1) of the said Act to the Division Bench of this Court in view of the

provisions of sub-section (6) of Section 19 of the said Act, such orders being in the nature of intermediate orders. It must be noted that sub-section (6) of Section 19 of the said Act is applicable only in respect of sub-section (1) and not sub-section (4) of Section 19 of the said Act.

- ii. No appeal would lie under Section 19 (1) of the said Act qua proceedings under Chapter 9 of the Cr.P.C. (Sections 125 to 128) in view of the mandate of sub-section (2) of Section 19 of the said Act.
- iii. The remedy of criminal revision would be available qua both the interim and final order under Sections 125 to 128 of the Cr.P.C. under sub-section (4) of Section 19 of the said Act.
- iv. As a measure of abundant caution we clarify that all orders as may be passed by the Family Court in exercise of its jurisdiction under Section 7 of the said Act, which have a character of an intermediate order, and are not merely interlocutory orders, would be amenable to the appellate jurisdiction under sub-section (1) of Section 19 of the said Act.”

Registry is accordingly, directed to list the matter, before the learned Single Judge of this Court according to the roster, on 11.02.2019.

**G.S.SISTANI, J**

**JYOTI SINGH, J**

**FEBRUARY 05, 2019**

pst /  
*MAT.APP.(F.C.) 35/2019*