

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

FAMILY COURT APPEAL NO. 108 OF 2019
WITH
CIVIL APPLICATION NO. 171 OF 2019

Zishan Gulam Hasain Shaikh ... Appellant

V/s.

Nazia Zishan Shaikh ... Respondent

Mr. Niyaz Ahmed for the Appellant.

**CORAM: K.K.TATED, &
SARANG V. KOTWAL JJ.
DATE : 4th MARCH 2020**

P.C.

1 Heard learned Counsel for the appellant.

2 The learned counsel for the appellant submits that by this Family Court Appeal, the appellant is challenging the order dated 02.03.2019 passed by the Family Court Bandra Mumbai in Petition No. E-223/2014 under Section 125 of Cr.P.C.

3 The learned counsel for the appellant submits that he may be permitted to withdraw the present appeal with liberty to file appropriate proceeding as the appeal is not maintainable in view of Section 19(2) of the Family Courts Act, 1984, which reads thus:

“19(2) No appeal shall lie from a decree or order passed by the Family court with the consent of parties [or from an order passed under Chapter IX of the Code of Criminal Procedure, 1973 (2 of 1974):

Provided that nothing in this sub- section shall apply to any appeal pending before a High Court or any order passed under Chapter IX of the Code of Criminal Procedure 1973 (2 of 1974) before the commencement of the Family Courts (Amendment) Act, 1991]”.

4 To that effect, he has given in writing. Same is taken on record and marked “X” for identification. Same is accepted.

5 Family Court Appeal as well as Civil Application stand disposed of as withdrawn with liberty to file appropriate proceeding.

6 No order as to costs.

(SARANG V. KOTWAL, J.)

(K.K.TATED, J.)