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C.M.A.No.219 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 01.06.2023

CORAM

**THE HON'BLE MRS. JUSTICE J.NISHA BANU
AND
THE HON'BLE MR. JUSTICE D.BHARATHACHAKRAVARTHY**

C.M.A.No.219 of 2023

and

C.M.P.No.1711 of 2023

S.Babu

... Appellant

Vs.

1. Sasikala
2. Minor B.Vishal
S/o Babu
represented by his mother
& natural guardian, Sasikala
Both are residing at
No.25/11, Kutputpallam,
1st Street, Otteri,
Chennai - 600 021.

... Respondents

Petition filed under Section 19 of Family Courts Act, 1984 against
the order and decree dated 26.09.2022 made in M.P.No.264/2022 in
M.C.No.366/2021 on the file of I Additional Family Court at Chennai.

For Appellant : Mr.M.Suresh

For Respondents : Mr.Ajith Kumar



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J U D G M E N T

(Delivered by D.Bharatha Chakravarthy, J.)

This Civil Miscellaneous Appeal is filed against the order dated 26.09.2022 passed in M.P.No.264/2022 in M.C.No.366/2021 on the file of I Additional Family Court at Chennai, arising out of the proceedings under Section 125 of the Code of Criminal Procedure.

2. This Court, recently in *Maria Antony Chandra Prakash v. Sheela Regina* reported in **2023 (2) LW 917** has clarified the legal position that in respect of orders arising out of Section 125 of Code of Criminal Procedure, only Criminal Revision would lie. Therefore, this Civil Miscellaneous Appeal is dismissed as not maintainable, however with liberty to the appellant to file a Revision, if so advised. No costs. Consequently, connected miscellaneous petition is also dismissed.

(J.N.B,J.) (D.B.C, J.)

01.06.2023

Index : Yes / No

Internet : Yes

vsi

To

I Additional Family Court at Chennai.



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J. NISHA BANU, J.
and
D.BHARATHA CHAKRAVARTHY,J.

vsi

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