

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CIVIL MISCELLANEOUS JURISDICTION No.177 of 2021**

Meer Manjar Hussain

... .. Petitioner/s

Versus

Bibi Arjoo & Anr.

... .. Respondent/s

Appearance :

For the Petitioner/s : Mr. Pravin Kumar Sinha, Advocate
For the Respondent/s : Dr. Manoj Kumar, Advocate

CORAM: HONOURABLE MR. JUSTICE ARUN KUMAR JHA
ORAL ORDER

9 11-03-2024 Heard learned counsel for the petitioner as well as
learned counsel for the respondents.

2. The instant petition has been filed for setting aside the order dated 05.01.2019 passed by the learned Principal Judge, Family Court, Bhagalpur in Misc. (Maintenance) Case No. 08 of 2010 disposing of the Misc. (Maintenance) case with direction to the petitioner to pay Rs. 4000/- per month for maintenance of the opposite party nos.1 and 2 by 5th day of every month from the date of passing of the order.

3. Section 19(4) of the Family Court Act provides as under:-

“Section 19 (4):- [The High Court may, of its own motion or otherwise, call for and examine the record of any proceeding in which the Family Court situate within its jurisdiction passed an order under Chapter IX of the Code of



Criminal Procedure, 1973 (2 of 1974) for the purpose of satisfying itself as to the correctness, legality or propriety of the order, not being an interlocutory order, and as to the regularity of such proceeding.]”

4. Obviously a revision would lie against an order passed under Section 125 of Cr.P.C finally disposing of the petition and not a civil miscellaneous petition under Article 227 of the Constitution. So the petitioner has chosen a wrong forum to agitate the issue.

5. Faced with the situation, learned counsel for the petitioner seeks permission to convert the present petition to a criminal revision.

6. Learned counsel for the petitioner is directed to take steps towards conversion of the civil miscellaneous petition to criminal revision petition within four weeks.

7. Office is directed to allow such conversion and also to ensure that the matter is properly reported by the stamp reporter.

(Arun Kumar Jha, J)

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