

IN THE HIGH COURT OF JUDICATURE AT PATNA
Miscellaneous Appeal No.307 of 2024

Vinay Kumar aged about 40 years (Male) son of Late Chandradew Ray @ Chandra Dev Ray, Resident of Village- Rupaspur, Police Station- Rupaspur, District-Patna.

... .. Appellant/s

Versus

Smt. Menka Devi aged about 38 years (Female) wife of Sri Vinay Kumar, D/o Balli Rai, Resident of Village- Sultanpur, P.O.- Danapur Cant; Police Station- Danapur; District-Patna.

... .. Respondent/s

Appearance :

For the Appellant/s : Mr. Mani Shankar Kumar, Advocate
For the Respondent/s : Mr.

CORAM: HONOURABLE MR. JUSTICE P. B. BAJANTHRI
and
HONOURABLE MR. JUSTICE ALOK KUMAR PANDEY
ORAL ORDER

(Per: HONOURABLE MR. JUSTICE P. B. BAJANTHRI)

2 23-08-2024 The present Miscellaneous Appeal is filed in assailing the order dated 29.05.2023 passed by the learned Principal Judge, Family Court, Patna in Matrimonial Case No. 480 of 2018 and it relates to interim maintenance. Therefore, the present appeal is not maintainable. He has remedy of filing Civil Miscellaneous in the light of Co-ordinate Bench decision dated 27.04.2010 in Civil Revision No. 1067 of 2009 (*Durga Devi vs. Vijay Kumar Poddar and Anr.*) decision.

2. We have also noticed that there are two office objections, one is relating to deficit of Court fee and second is not furnishing second copy.



3. Having regard to the fact that the Civil Miscellaneous is required to be filed and it would be heard by learned Single Judge. Therefore, the appellant need not comply the office objection *insofar* as furnishing second copy. Insofar as Court fee is concerned, registry is hereby directed to revisit and apprise as to what would be the Court fee in the event of converting the present Miscellaneous Appeal to that of Civil Miscellaneous.

4. Accordingly, the present Miscellaneous Appeal stands disposed of for the purpose of statistics.

5. Registry is hereby directed to convert the present Miscellaneous Appeal to that of Civil Miscellaneous and list before the concerned Roster Bench.

(P. B. Bajanthri, J)

(Alok Kumar Pandey, J)

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