

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**CIVIL MISCELLANEOUS JURISDICTION No.1109 of 2019**

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Chandrabhushan Kumar Son of Lalendra Singh @ Lalendu Singh, resident of  
Village Khaira, P.S. Amba, District- Aurangabad.

... .. Petitioner/s

Versus

1. The State of Bihar through Principal Secretary Dept. of Home.
2. Nageshwar Singh, Son of Late Ramdeo Singh. resident of Rampur, P.S.-  
Hariharganj, District Palamu (Jharkhand).
3. Chandmati Devi Wife of Nageshwar Singh. resident of Rampur, P.S.-  
Hariharganj, District Palamu (Jharkhand).

... .. Respondent/s

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**Appearance :**

For the Petitioner/s : Mr.Nilesh Kumar, Advocate

For the Respondent/s : Mr. Ajay Kumar, AC to GP-4

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**CORAM: HONOURABLE MR. JUSTICE ARUN KUMAR JHA**  
**ORAL ORDER**

2      09-05-2024                      The matter has been listed on mentioning being  
made on behalf of the petitioner.

2. Apparently the present Civil Miscellaneous  
Petition has been filed against the judgment and decree dated  
24.04.2019 and 03.05.2019, respectively passed by learned  
Principal Judge, Family Court, Aurangabad in Guardianship  
Case No. 06 of 2017.

3. Section 19(1) of the Family Courts Act reads as



under:-

“19(1). Save as provided in sub-section 2 and notwithstanding anything contained in the Code of Civil Procedure, 1908 (5 of 1908) or in the Code of Criminal Procedure, 1973 (2 of 1974), or in any other law, an appeal shall lie from every judgment or order, not being an interlocutory order, of a Family Court to the High Court both on facts and on law.”

4. Against the judgment and decree passed by the learned Family Court, an appeal would lie in the High Court. Hence, the present petition is not maintainable.

5. However, learned counsel for the petitioner seeks permission to convert the present petition into a Misc. Appeal.

6. Permission is accorded.

7. Learned counsel for the petitioner is directed to convert the present petition into a Misc. Appeal within two weeks after vacation, failing which the present petition would be dismissed.

8. Office is directed to submit an explanation as to why the Stamp Reporter has not pointed out this defect at the outset when the stamp reporting was done.



9. The explanation must be submitted on or before  
17.05.2024.

**(Arun Kumar Jha, J)**

DKS/-

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