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CMA No.528 of 2024
in CMP No.5252 of 2024

Civil Miscellaneous Appeal No.528 of 2024
in CMP No.5252 of 2024

R.SUBRAMANIAN, J.
and
R.SAKTHIVEL, J.

(Order of the Court was made by R.SUBRAMANIAN, J.)

This Court prima facie is not satisfied that this Appeal is maintainable, since the order challenged is an interlocutory order passed by the Family Court relating to custody of the child under Section 26 of the Hindu Marriage Act.

2. No doubt Mr.T.M.Hariharan, learned counsel appearing for the appellant would contend that this is the order under Appeal is not an interim order passed in an Application and therefore, an Appeal would lie. We are unable to read Section 26 of the Hindu Marriage Act, in the manner suggested by the learned counsel appearing for the appellant. A Division Bench of this Court in *S.Menaka vs. K.S.K.Nepolian Socraties*, made in CMP No.18729 of 2023 dated 21.03.2024, has held that interlocutory orders passed by the Family Court are not automatically appealable, but they are revisable.



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3. In view of the said dictum, we permit the counsel to convert this Appeal into a Civil Revision Petition under Article 227 of the Constitution of India.

[R.S.M., J.] [R.S.V., J.]
01.04.2024

jv

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