

COURT No.2  
ARMED FORCES TRIBUNAL  
PRINCIPAL BENCH: NEW DELHI

25.

OA 25/2019 with MA 223/2022

Ms. Saba Naqvi D/O Late  
Maj Humayun Haider Naqvi ..... Applicant  
VERSUS  
Union of India and Ors. .... Respondents

For Applicant : Mr. Rishi Saxena, Advocate  
For Respondents : Mr. Satya Ranjan Swain for R 1-4,  
Mr. Sohaib Alam for R-5, R 6 - In person,  
Advocate

CORAM

HON'BLE MS. JUSTICE ANU MALHOTRA, MEMBER (J)  
HON'BLE REAR ADMIRAL DHIREN VIG, MEMBER (A)

DEPOSITION OF AW 1 MS. SALMA NAQVI, RESPONDENT No.5

AW 1:- Ms. Salma Naqvi, wife of Shri Shokat Ali Khan, age:-  
40, address:- Chakli, Amroha, on SA.

I have brought my original Aadhaar Card, copy of which is taken on record as Exhibit AW 1/1. Maj Humayun Haider Naqvi is the name of my father, he has since expired. Saba Naqvi, the applicant of OA 25/2019 who is present today in the Court is my sister, daughter of late Maj Humayun Haider Naqvi. I have done B.A, B.Ed. I have come for the pension of my father. The Vakaltnama dated 12.05.2019 bears my signatures at point A on Exhibit AW1/2. The settlement agreement placed on record with MA 223/2022 bears my signatures thereon at each page thereon at points A on Exhibit AW1/3.

I have signed these documents voluntarily. I cannot identify my counsel, I have not seen the counsel when I signed the Vakaltnama. I sign in English.

As per the terms of the settlement agreement executed several years ago, the 40% of my father's pension is to be paid to me and 60% of my father's pension is to be given to my sister Saba Naqvi. I have arrived at the settlement with my sister voluntarily of my own accord without any coercion from any quarter. The settlement is for all time.

(At this stage it has been considered essential that the witness reads out Para 5 of the settlement agreement **Exhibit AW1/3**. Para 5 of the settlement agreement has been read out by the witness Ms. Salma Naqvi and she has read out the same in English. The said settlement agreement **Exhibit AW 1/3** vide Para 5 dated 7<sup>th</sup> day of December 2021 is to the effect:-

*“5. That the final sum disbursed towards the family pension shall be shared between the parties respectively as under:-  
(i) Arrear alongwith Interest of Family Pension shall be given or distributed as 60% to the first Party and 40% to second party for a period 24.08.1996 till the date of signing of this Mutual Settlement Agreement i.e 07<sup>th</sup> December 2021.  
(ii) Thereafter 100% of the Monthly Family Pension shall be given to the First Party from the date of Signing of this Mutual Settlement Agreement i.e 07<sup>th</sup> December 2021 till her entire life as First Party is an Unmarried Daughter of Late Humayun Haider Naqvi.)”*

Court Question:-

Kindly explain what the settlement is between you and Saba Naqvi, in view of your having stated hereinabove that the settlement for payment of the Family Pension is to the extent of

60% to Saba Naqvi and 40% to you for life for the Family Pension in relation to your deceased father Maj Humayun Haider Naqvi and clause 5(ii) of this settlement agreement Exhibit AW1/1 states to the effect that

*“Thereafter 100% of the Monthly Family Pension shall be given to the first party from the date of signing of this mutual settlement agreement i.e 07.12.2021 till her entire life as first party is an unmarried daughter of Late Humayun Haider Naqvi.”*

**Answer:-**

40% of the Family Pension is to be paid to me and 60% of the Family Pension is to be paid to my sister for life.

(Further deposition of the witness is deferred in the interest of justice.)

**R.O.A.C**

**(JUSTICE ANU MALHOTRA)  
MEMBER (J)**

**(REAR ADMIRAL DHIREN VIG)  
MEMBER (A)**

YOGITA

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Advocate

CORAM

HON'BLE MS. JUSTICE ANU MALHOTRA, MEMBER (J)  
HON'BLE REAR ADMIRAL DHIREN VIG, MEMBER (A)

ORDER  
13.10.2023

OA 225/2019

In terms of proceedings dated 18.01.2023 and 06.09.2023, Ms. Salma Naqvi respondent no. 5 to the OA and party to the settlement agreement dated 07.12.2021 is present. She has produced her original Aadhaar Card, copy of which is taken on record. It has been considered essential to examine her qua the document dated 07.12.2021 and her deposition is placed on the record of MA 223/2022.

In view of the deposition made by the witness in relation to Para 5(i) and 5(ii) of Exhibit AW1/3, in the

interest of justice, the further recording of the deposition of the witness is deferred for the day.

The matter be re-notified for hearing on 14.12.2023 at 2.15 p.m.

(JUSTICE ANU MALHOTRA)  
MEMBER (J)

(REAR ADMIRAL DHIREN VIG)  
MEMBER (A)

YOGITA