

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

(THROUGH VIRTUAL HEARING)

A..

OA 1870/2020 with MA 1014/2023 , 1103/2023 , 1898/2023  
& 2759/2023

Lt Col Saurabh Dutt ..... Applicant  
VERSUS  
Union of India and Ors. .... Respondents

For Applicant : In person  
For Respondents : Ms. Apurva Mahndiyan, proxy for  
Dr. Vijendra Singh Mahndiyan, Advocate

CORAM

HON'BLE MS. JUSTICE ANU MALHOTRA, MEMBER (J)  
HON'BLE LT GEN P. M. HARIZ, MEMBER (A)

ORDER  
02.04.2024

The matter was reserved for orders vide order dated 28.03.2024.

2. We have taken up the same for directions in view of the factum that vide order dated 22.07.2021, it was directed to the effect:-

*“Notice was sent to R-2, Dr. (Mrs.) Ann.S. Dutt and as per tracking report, same has been duly served upon her. Despite that she has failed to appear. Under the circumstances there is no option but to proceed her ex parte....”*

and vide order dated 23.12.2022 it was directed to the effect:-

*“Respondent No. 2 has not appeared. A copy of this order be forwarded by the office to Respondent No. 2 with a direction that in case she does not appear on the next date, we will proceed ex-parte against her in the matter.”*

3. The respondent no 2 in terms of directions dated 23.12.2022 was served with the notice dated 09.01.2022 with the modification dated 09.01.2023 in relation to service of the order dated 23.12.2022 as indicated vide the tracking report placed on record with the delivery of the postal article on 12.01.2023.

4. No appearance was put in on behalf of the respondent no 2 on 21.03.2023, 27.03.2023, 05.04.2023, 18.04.2023, 22.05.2023, 10.07.2023, 10.11.2023, 21.11.2023 on the dates when the Bench assembled, nor on 19.12.2023, 14.02.2024, 16.02.2024, 04.03.2024, 14.03.2024 and 28.03.2024 on the dates when the Bench assembled.

5. Pursuant to order dated 23.12.2022, there is no express observation of proceeding *ex parte* against the respondent no. 2 in terms of Order IX, Rule 6 of the CPC read with Section 14 (4) (g) of the Armed Forces Tribunal Act 2007.

6. The applicant has submitted that the email address of the respondent no. 2 is [annfreya8@gmail.com](mailto:annfreya8@gmail.com).

7. In view thereof in the interest of justice, a copy of this order be served on the respondent no. 2 both through speed

post by the Registry as well as through e-mail for the date of hearing 09.04.2024.

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

**(LT GEN P. M. HARIZ)  
MEMBER (A)**

AP