

**COURT No. 2, ARMED FORCES TRIBUNAL,
PRINCIPAL BENCH, NEW DELHI**

18.

OA 2058/2019 with MA 2968/2019

Sheetal @ Sabina Khatoon W/O Late

L/Dfr Sayyed Hidaytullah & Ors

.....Applicants

Versus

Union of India & Ors.

.....Respondents

For Applicant : Mr. Adarsh Kumar Tiwari, Advocate
With Mr. Suresh Pandey, Advocate

For Respondents : Mr. S.P.Sharma, Advocate for R1-3
Ms. Anjali Vohra, Advocate for R4

CORAM:

HON'BLE MS.JUSTICE SUNITA GUPTA, MEMBER (J)

HON'BLE LT.GEN. PHILIP CAMPOSE, MEMBER (A)

O R D E R

05.12.2019

Vide this OA, the applicants claim family pension alleging themselves to be the legal heirs of the deceased Late L/Dfr Sayyed Hidaytullah.

2. Counsel for the respondents at the outset submits that the OA is not maintainable in the absence of impleading the first wife of the deceased.

3. Counsel for the applicant submits that he is not aware about the first marriage of the deceased or her whereabouts and therefore, he is not in a position to implead her. It is open to the respondents to take necessary objection in their counter affidavit.

4. Heard. Admit.

5.. Issue notice to the respondents in MA as well as in OA.

6. Notice is accepted by Mr. S.P.Sharma, Advocate on behalf of the respondents No. 1 to 3 and Ms. Anjali Vohra, Advocate for Respondent No.4. They seek time to file counter affidavit. Same

be filed within four weeks with an advance copy to counsel for the applicant.

7. List on **30.01.2020** before the Principal Registrar for completion of pleadings.

(JUSTICE SUNITA GUPTA)
MEMBER (J)

(LT.GEN. PHILIP CAMPOSE)
MEMBER (A)

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