

**COURT No. 3, ARMED FORCES TRIBUNAL,
PRINCIPAL BENCH, NEW DELHI**

46.

OA 1533/2017

Smt Sukh Varsha Sharma

(W/d of Late Maj R.K.Sharma)

..... Applicant

Versus

Union of India & Ors.

..... Respondents

For Applicant : Mr. S.M. Dalal, Advocate

For Respondents : Dr. Vijendra Singh Mahndiyan, Advocate

CORAM:

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

HON'BLE LT.GEN. SANJIV CHACHRA, MEMBER (A)

O R D E R

20.11.2018

Counsel for the respondents raises objection regarding limitation as the claim was declined by the respondents way back in the year 1989 while the applicant has approached this Tribunal in the year 2017. Counsel for the applicant however, submits that he filed an appeal in the year 2017 which was dismissed and thereafter he approached the Tribunal.

2. It is a settled law that the period of limitation prescribed under a Statute has to be construed strictly. The applicant by his own act of sending notice or representation cannot extend the period of limitation. Under Section 22 of the Armed Forces Tribunal Act 2009, period of limitation prescribed for filing application is six months from the date of order. However, sub-Section (2) empowers the Tribunal to extend the period on

showing sufficient cause for not making the application. Admittedly, no such application has been filed by the applicant. When confronted counsel for the applicant seeks time to move an application for condonation of delay. The same be filed within four weeks with copy to the respondents.

2. Copy of the record has been brought by the respondent. The same be supplied to the Tribunal.

3. Relist on **15.02.2019**.

(JUSTICE SUNITA GUPTA)
MEMBER (J)

(LT.GEN. SANJIV CHACHRA)
MEMBER (A)

sudha