

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

44.

OA 732/2015 with MA 781/2015

Capt Ajay Kumar Gulati (Retd.)

.....Applicant

Versus

Union of India & Ors.

..... Respondents

For petitioner : Ms. Archana Ramesh, Advocate

For respondents : Mr. S P Sharma, Adv. for R 1,2 & 4
Ms Anjali Vohra for R-3

CORAM:

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

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

ORDER
23.07.2019

Additional affidavit has been filed by the respondents according to which “the individual was dely along with his Bn in Gul Area which is now under Ramban Distt. However, at the time of incident, Gul was in Doda Distt as Ramban Dist was created only in 2007.” However, that was not the query made by the Tribunal and as mentioned by the respondents themselves in the additional affidavit, the affidavit was required to be filed with regard to the fact **whether Pir Panjal Range falls in Udhampur District or not.** The case is pending since the year 2015 and instead of complying the Tribunal order, completely new plea has been taken in the additional affidavit.

2. More time sought to clarify the position. Adjournment is granted subject to deposit of Rs.10,000/- as cost with AFT Bar

Association. Affidavit be filed within three weeks with a copy to the applicant.

3. Learned counsel for the respondents seeks waiving of cost on the ground that he has recently undergone surgery and therefore could not meticulously go through the contents of the affidavit.

4. In view of his personal problem, imposition of cost is waived off. However, it is impressed upon the counsel for the respondents that the affidavit be filed positively within two weeks'.

5. Relist on **16.01.2020**.

(JUSTICE SUNITA GUPTA)
MEMBER (J)

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