

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

14.

**OA 1948/2017**

**Lt Col V Krishnamurthy(Retd.)**

**.....Applicant**

**Versus**

**Union of India & Ors.**

**.....Respondents**

**For Applicant**

**:Mr. Manoj Kumar Gupta Proxy**

**Mr. Rajesh Nandal, Advocate**

**For Respondents**

**:Mr. Avdhesh Kumar Singh, Advocate**

**CORAM:**

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

**HON'BLE AIR MARSHAL BBP SINHA, MEMBER (A)**

**ORDER**

**02.01.2020**

Counsel for the respondents submits that he will be filing the counter affidavit during the course of the day. However, perusal of order dated 25.03.2019 reflects that sufficient number of opportunities were granted to the respondents to file counter affidavit and one final opportunity was granted to the respondents observing that in the event of respondents' failing to file counter affidavit, their right to file counter affidavit will be deemed to be closed.

Even after lapse of more than nine months, the respondents have not filed counter affidavit. Even today, no explanation is being furnished as to why it was not filed, therefore, the oral request made by counsel for the respondents to file counter affidavit during the course of the day cannot be acceded to.

2. List for hearing on **08.07.2020**, on which date, respondents are directed to bring the original medical record of the applicant for the perusal of the Tribunal.

**(JUSTICE SUNITA GUPTA)  
MEMBER (J)**

**(AIR MARSHAL BBP SINHA)  
MEMBER (A)**

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