

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

12A.

OA (Appeal) 522/2025

Union of India and Ors. Applicant
VERSUS
Hav Deepak Kumar Dwivedi Thru
his Pairokar wife Preeti Dwivedi Respondents

For Applicant : Mr. Vishal, proxy for
Mr. Kavish Aggarwal, Advocate
For Respondents : Mr. Anil Kumar Gautam, Sr. CGSC

CORAM

HON'BLE MS. JUSTICE ANU MALHOTRA, MEMBER (J)
HON'BLE REAR ADMIRAL DHIREN VIG, MEMBER (A)

ORDER
27.02.2025

The applicant vide the present OA makes the following prayers:-

“(a) Conduct the Court Martial proceedings in Delhi, Jammu, Udhampur, or any other major city or location that is not affected by militancy, ensuring the Applicant’s access to legal practitioners with substantial experience in military law enabling him to obtain the necessary legal assistance at an affordable rate undue hardship and mitigate the exorbitant costs associated with the proceedings.

(b) Make the necessary arrangements to facilitate the appearance of the lawyer the applicant intends to retain via video conferencing if the above mentioned first relief is not possible conferencing because due to significant security challenges, it would be highly difficult and prohibitively expensive for the applicant to arrange for the lawyer’s physical presence at the location.

(c) Award an appropriate amount to the applicant to cover legal expenses incurred in pursuing this matter;

(d) Grant suitable compensation for the immense mental trauma, agony and hardship endured by the applicant, as a result of the respondents' actions;

(e) Pass any other order or relief as this Learned Tribunal may deem fit, just, and proper in the interest of justice and equity

And for this act of kindness and justice, the applicant, as in duty bound, shall ever pray."

2. Along with the same is also a prayer seeking grant of interim relief to the effect:-

"Pending the adjudication of the present proceedings before this Learned Tribunal, it is humbly prayed that interim relief be granted in the form of a stay on the Court Martial proceedings against the Applicant in Kupwara, Jammu and Kashmir. This relief is sought in the interest of justice and to safeguard the Applicant's fundamental rights enshrined under Article 21 of the constitution of India."

3. Notice thereof is issued to the respondents and accepted on their behalf. In relation to interim relief response be submitted by the respondents vide an affidavit for the next date of hearing. The respondents are permitted to file their response to the interim prayer by 05.03.2025.

4. The matter be re-notified for hearing on 06.03.2025.

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

**(REAR ADMIRAL DHIREN VIG)
MEMBER (A)**