

**COURT NO. 1, ARMED FORCES TRIBUNAL**  
**PRINCIPAL BENCH, NEW DELHI**

6.

**OA 166/2023**

**In the matter of:**

**Sep (DVR) A Khadar Vali**

**... Applicant**

**Versus**

**Union of India & Ors.**

**... Respondents**

**For Applicant** : Shri Manoj Kumar Gupta, Advocate

**For Respondents** : Shri Rajeev Kumar, Advocate

**CORAM:**

**HON'BLE SHRI JUSTICE RAJENDRA MENON,CHAIRPERSON**  
**HON'BLE LT. GEN. C.P MOHANTY, MEMBER (A)**

**O R D E R**  
**20.01.2023**

Issue Notice to the respondents. Shri Rajeev Kumar, Advocate accepts notice on behalf of Respondents Nos. 1, 2 and 3 only.

*Prima facie* the administrative order granting maintenance particularly when in a proceeding held before the Additional Judicial Magistrate, First Class, Giddalur (A.P.) in a proceeding under Section 125, the learned Court has already granted maintenance, in our considered view,

may not be sustainable. Subject to hearing the respondents, for the present, we direct that recovery in pursuance to the impugned order dated 21.11.2021 (Annexure A-1) shall remain stayed subject to the respondents recovering the amount as directed by the learned Magistrate and the applicant agreeing to the same.

Let Notice be issued to the private Respondent No. 4. Process fee be filed within one week.

Respondents may file counter affidavit within four weeks. Rejoinder, if any, be filed within two weeks.

List the matter on **12<sup>th</sup> April, 2023**.

Copy of the order be given '***Dasti***'.

**[JUSTICE RAJENDRA MENON]  
CHAIRPERSON**

**[LT GEN C.P MOHANTY]  
MEMBER (A)**