

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

34.

OA 3830/2024 with MA 2072/2025

Ms Avni Banari (Minor) & 3 Ors thru
Dr Nisha Bali (Divorced Mother) Applicant
VERSUS
Union of India and Ors. Respondents

For Applicant : Ms. Garima Sachdeva, Advocate
For Respondents : Mr. Rajeev Kumar, Advocate for R 1 - 3,
Mr. Tarun Gulia, Advocate for R-4

CORAM

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

ORDER
03.11.2025

Counter affidavit of the respondents No. 1-3 and of respondent No. 4 is on the record.

2. Counsel for the applicant submits that she has been recently engaged and seeks a weeks time to make submission. The attention of the learned counsel for the applicant is drawn to the averment made in Para 4.6 of the OA which reads to the effect:-

"That, applicants father, though, promised to the applicants to take care of their financial needs equally with their mother, but, settled to pay only Rs. 50000/- (Rupees Fifty Thousand only), a month which comes to merely Rs 12500/- per month for each one of the Applicants. The Applicants have learnt that their father smartly entered into a MOU initially on 05.09.2022 which took final shape on 05.10.2022, as per some discussions which he had with their mother guardian. Applicants were not at all involved in those discussions. Even the concerned Court which accepted the MOU dated 05.10.2022, never gave opportunity to the Applicants, to

appear before it or invite views on their rights or needs, or even looked into the same objectively, as would be amply evident from the said MOU, a copy whereof is annexed as Annexure 'A-4'."

The document placed at page 35 of the OA is the joint statement of the applicant and the respondent No. 4 which reads to the effect:-

"Both on SA Stated that we were married on 31.08.2006 according to Hindu rites and ceremonies at Mangalore, Karnataka. Due to temperamental differences, we could not adjust with each other and now we have decided that our marriage be got dissolved. We have already settled all the issues between us as mentioned in the petition as well as MOU dated 5.10.2022 Ex. P1. We shall withdraw all the litigations pending between us. We shall not file any litigation against each other regarding our matrimonial dispute. We shall not resile from our statement made in the court today. We thus, pray that a decree of divorce be granted.

RO & AC",

and the MoU referred to as exhibit P1 at page 35 before the learned Court of the Principal Judge, Family Court, Gurugram in HMA/1421/2022 is placed at pages 38 to 46 of the OA. The matter be re-notified for hearing on 10.11.2025.

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

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