

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

13A.

OA 3830/2024

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

For Applicant : In Person

For Respondents : Mr. Shivani Kumari, Advocate for  
Mr. Rajeev Kumar, Advocate for R 1-3 &  
None for R-4

CORAM

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

ORDER  
18.08.2025

The OA 3830/2024 has been filed by the minor children of the respondent no. 4 through Dr. Nisha Bali.

2. Dr. Nisha Bali, the mother of the applicant submits that her previous counsel is not issuing the NOC and she needs to change the counsel. The said submission was also made by her on 18.07.2025, as a consequence of which the matter has thus been listed. Counsel for the respondents submits that there is no objection to the prayer made by Dr. Nisha Bali.

3. In view of Rule 63 of the Armed Forces Tribunal (Practice) Rules, 2009, which reads to the effect:-

*“63. Restrictions on appearance.- A legal practitioner who has tendered advice in connection with the institution of any case or other proceedings before the Tribunal or has drawn pleadings in connection with any such matter or has during the progress of any such*

*matter acted for a party, shall not, appear in any case or proceeding or other matter arising therefrom or in any matter connected therewith for any person whose interest is opposed to that of his former client, except with the prior permission of the Tribunal.”*

4. It is apparent that, in the circumstances where the legal practitioner who has filed his vakalatnama is not forthcoming to assist, the litigant can seek the assistance of the Tribunal for the permission for the change of the counsel, despite the non-submission of the No Objection Certificate by the previous counsel. In the circumstances, the registry is directed to take on record the vakalatnama of the counsel that the applicants now seek to place on record.

5. Counter affidavit of the respondent nos. 1 to 3 is on record. Counter affidavit of the respondent no. 4 is not on the record and the same be filed without default within a period of two weeks. Rejoinder if any, thereto be filed by the applicant within a period of four weeks thereafter.

6. The matter be re-notified in terms of proceeding dated 07.07.2025. Copy of this order be served on the respondent no. 4 by the Registry, for compliance.

Re-list the matter on **03.11.2025**

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

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

AP/AS