

**COURT No.3, ARMED FORCES TRIBUNAL
PRINCIPAL BENCH, NEW DELHI**

7.

MA 927/2018 in OA 861/2016

Smt Babli Devi W/o

Sep Dalvir Singh

..... Applicant

Versus

Union of India & Ors

..... Respondents

For Applicant

:Mr. Mohan Kumar, Advocate

For Respondents

:Mr. Prabodh Kumar, Advocate

CORAM:

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

HON'BLE LT. GEN. SANJIV CHACHRA, MEMBER (A)

ORDER

31.05.2018

MA 927/2018:

Vide this application, the respondents seek permission to file reply affidavit on the ground that on 29.08.2016, notice was issued to the respondents to file reply within six weeks. Therefore, comments were received from the respective departments and the counsel prepared the draft reply affidavit for approval by the concerned authority. However, the reply affidavit was misplaced somewhere and signed copy did not reach the learned counsel for the respondents.

2. After 29.08.2016, the case was listed on 09.10.2016, 02.03.2017, 09.05.2017 but the Bench did not assemble. On 05.09.2017, the right to file counter affidavit was closed. It is submitted that the matter is quite complicated one and there is need to file reply affidavit.

3. Learned counsel for the applicant submits that no sufficient ground has been disclosed in the application for not filling counter affidavit

in time. Moreover, the respondents are not even seeking recall of the Tribunal order dated 05.09.2017 vide which the right to file counter affidavit has been closed.

4. Although submissions made by the learned counsel for the applicant has force as the learned counsel for the respondents is only seeking permission to place the reply affidavit on record and is not seeking recalling of order dated 05.09.2017 despite the fact that the right to file counter affidavit was closed on 05.09.2017 and no steps were taken thereafter immediately by the respondents seeking permission to file reply affidavit and this applications has been filed only on 29.05.2018. However, in the interest of justice, the MA is allowed subject to payment of Rs.15,000/- (Rupees fifteen thousand only) as cost which would be paid in the name of the applicant by cheque / demand draft before the next date of hearing. MA stands disposed off accordingly.

OA 861/2016:

Advance copy of counter affidavit has already been given to the learned counsel for the applicant and the same be filed in the Registry today itself. Rejoinder, if any, be filed within six weeks' time.

2. Relist on **25.07.2018**.

(JUSTICE SUNITA GUPTA)
MEMBER (J)

(LT. GEN. SANJIV CHACHRA)
MEMBER (A)