

**COURT No. 2, ARMED FORCES TRIBUNAL,
PRINCIPAL BENCH, NEW DELHI**

11.

MA 780/2019 in OA 1090/2019

Ex Nb Sub Ashok Kumar BaruaApplicant

Versus

Union of India & Ors.Respondents

For Applicant : Mr. S.M.Dalal, Advocate

For Respondents : Mr. S.D.Windlesh, Advocate

Maj Sonali Tiwari, OIC, Legal Cell

CORAM:

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

HON'BLE AIR MARSHAL B.B.P. SINHA, MEMBER (A)

O R D E R

08.04.2021

MA 780/2019

Vide this application under Rule 19 of AFT (Procedure) Rules 2008, the legal heirs of the deceased-applicant seeks their substitution on the ground that during the pendency of the OA, the applicant expired on 09.01.2021 leaving behind his wife and three daughters. As such, right to survive in their favour and they be substituted in place of deceased-applicant. Death certificate has been filed.

Maj Sonali Tiwari, OIC, Legal Cell has appeared on behalf of the respondents and states that there is no objection by the respondents in allowing the application. In view of the fact that the applicant has died on 09.01.2021, the application has been filed within time and right to sue survive in favour of the applicant, same is allowed. The applicants are ordered to be substituted in place of deceased-applicant. Amended memo of parties has been filed by the applicant. Same is taken on the record.

MA stands disposed off.

**(JUSTICE MS. SUNITA GUPTA)
MEMBER (J)**

**(AIR MARSHAL B.B.P. SINHA)
MEMBER (A)**