

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

6.

OA 3494/2025 with MA 5165/2025

Priyanka Kumari Sandesh Chaudhari Wd/o late Hav/Clk Amit
Kumar Achhalala Chaudhari Applicant
Versus
Union of India & Ors. Respondents

For Applicant : Mr. Dhiraj Kumar, Advocate
For Respondents : Ms. Jyotsna Kaushik, Advocate

CORAM

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

ORDER
07.11.2025

Invoking jurisdiction of this Tribunal under Section 14 of the Armed Forces Tribunal Act, 2007, the applicant has called in question the order passed by the competent authority granting family pension to respondent No.7, mother of late Hav/Clk Amit Kumar Achhalala Chaudhari who is said have been married to the present applicant and on account of the matrimonial dispute which arose between them, the matter has been transferred to the Family Court, Ahmedabad in Family Suit No.586/2023 and by a detailed judgment passed, the learned Family Court on 28th March, 2024 vide annexure A-8 passed a decree dissolving the marriage under Section 13(1) (i-a), (i-b) and (iii) on the ground of desertion. Challenging the decree passed, the applicant has filed an appeal before the Hon'ble Gujrat High Court. The Gujarat

High Court has only issued notice on the application. There is no interim stay and the matter is pending before the Hon'ble Gujarat High Court. Meanwhile, the applicant has claimed family pension and wants an order restricting grant of family pension to respondent No.7, mother of the deceased officer.

2. The right of the applicant to claim Family Pension would arise only if the applicant is a legally married wife of Lt. Hav/Clk Amit Kumar and after dissolution of the marriage in the year 2024, the said right of the applicant is no more in existence. That being so, the fundamental right to claim family pension is not available to the applicant and therefore, at this stage, invoking the jurisdiction of this Tribunal under Section 14 and claiming family pension is not sustainable and not maintainable in law. Subject to whatever decision is taken in the appeal that is pending before the Hon'ble Gujarat High Court, the applicant's right to claim family pension would arise based on the final determination of the said *lis* which is pending in the High Court of Gujrat.

3. That being so, finding no case made out for exercising our jurisdiction under Section 14 of ACT Act, 2007, we dispose of the matter as no cause of action arises in favour of the applicant based on which an existing legal right can be executed in these proceedings. However, liberty shall be available to the applicant to invoke the right action in case any favourable order is passed

by the Hon'ble Gujrat High Court in the pending appeal and the relationship of the applicant with her ex-husband is restored.

4. With the aforesaid liberty to the applicant, the OA stands disposed of. Pending MA also stand closed.

[JUSTICE RAJENDRA MENON]
CHAIRPERSON

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

/vb/ps/