

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

83.

OA 601/2024 WITH MA 721/2024

Smt Meena Sen Wd/o		Applicant
Late Roop Chand Ex Sea		
Versus		
Union of India & Ors.		Respondents
For Applicant	:	Mr. Ved Prakash, Advocate
For Respondents	:	Mr. Rajeev Kumar, Advocate

CORAM

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

ORDER
24.07.2025

Invoking the jurisdiction of this Tribunal under Section 14 of the Armed Forces Tribunal Act, 2007, the applicant, namely, Smt. Meena Sen claiming to be the wife of Late Ex SEA-1 Roop Chand of the Indian Navy, has filed this application.

2. On notice being issued, respondents have filed a detailed counter affidavit. In the counter affidavit, it is stated that Late Ex SEA-1 Roop Chand was enrolled in the Indian Navy on 05.07.1954 and was discharged on 04.07.1969 after rendering 15 years of qualifying service. In the service records of Late Ex SEA-1 Roop Chand, i.e., Kindered Roll and Marriage Declaration (Annexures R-1 and R-2) his wife's name is shown as Smt. Padmawati Devi

Sen and in Annexure R-2 he is also shown to have married the said person on 26.11.1961 as per the Marriage Declaration Form and Certificate available on record. However, when Late Ex SEA-1 Roop Chand requested for change of his wife's name from Smt. Padmawati Devi Sen to Smt. Meena Sen vide Annexure R-3 dated 31.05.2011, the respondents requested him vide Annexure R-4 dated 29.06.2011 to submit the Death Certificate/Divorce deed from his first wife and the Marriage Certificate with his second wife through Zilla Sainik Board which the Late Ex SEA-1 Roop Chand /the applicant did not submit.

3. Today, when the matter was being heard, learned counsel for the applicant made a statement to say that he is unable to produce the Death Certificate of the first wife of Late Ex SEA-1 Roop Chand, namely, Smt. Padmawati Devi Sen as her whereabouts are not known since long and when her whereabouts were not known, Late Ex SEA-1 Roop Chand married the applicant, namely, Smt. Meena Sen, as indicated in the pleadings.

4. A perusal of the aforesaid facts, that have come on record, clearly show that the applicant is unable to establish before the employer and also before this Tribunal that the first wife of Late Ex SEA-1 Roop Chand, namely,

Smt. Padmawati Devi Sen is dead and she is further unable to demonstrate before us that the first marriage of Late Ex SEA-1 Roop Chand with Smt. Padmawati Devi Sen has been dissolved. Under this circumstance, the second marriage of Late Ex SEA-1 Roop Chand with the applicant, namely, Smt. Meena Sen, cannot be recognised under law. Accordingly, the only option available to the applicant is to file a declaratory suit based on an FIR lodged by her or her late husband, namely, Roop Chand during his life time with regard to the whereabouts of the first wife, namely, Smt. Padmawati Devi Sen and in case a missing case has been registered and for more than seven years the whereabouts of the first wife of Late Ex SEA-1 Roop Chand were not known, the applicant may seek a declaration under Section 111 of Bhartiya Sakshya Adhiniyam, 2023, before the Competent Court of Civil Jurisdiction and get a declaration in terms of the provisions of Bhartiya Sakshya Adhiniyam, 2023, and based on the same, in case a decree is granted, the applicant may seek the remedy as sought for in this application.

5. With the aforesaid liberty to the applicant, we dispose of the matter. However, we may also indicate that we have not expressed any opinion with regard to the merits of the

matter, whatever has been stated by us in the order is based on the material available on record and we have not drawn any conclusion or findings based on the same.

6. Accordingly, the OA stands disposed of.

7. In view of the above, no orders on the MA for the present are required.


[JUSTICE RAJENDRA MENON]
CHAIRPERSON


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

Neha/AK
OA 601/2024