

**ARMED FORCES TRIBUNAL, REGIONAL BENCH, KOCHI**

O.A No. 40 OF 2012

THURSDAY, THE 4TH DAY OF APRIL, 2013/14TH CHAITHRA, 1935

CORAM:

HON'BLE MR. JUSTICE SHRIKANT TRIPATHI, MEMBER (J)

HON'BLE LT.GEN.THOMAS MATHEW, PVSM, AVSM, MEMBER (A)

**APPLICANT:**

MEENAKSHI, AGED 63 YEARS, W/O KRISHNAN SUDHAKARAN;  
EX 7109716 -CFN, B.S.M NIVAS, KUZHIVILA,  
KALLIYOOR P.O, THIRUVANANTHAPURAM - 695038

BY ADV. SRI. B.HARISH KUMAR

***versus***

**RESPONDENTS:**

1. UNION OF INDIA, REPRESENTED BY THE  
SECRETARY TO GOVERNMENT (DEFENCE),  
MINISTRY OF DEFENCE, NEW DELHI - 110011.
2. THE SENIOR RECORD OFFICER, EME RECORDS,  
SECUNDERABAD - 21.
3. THE DIRECTOR GENERAL, PRINCIPAL CONTROLLER  
OF DEFENCE ACCOUNTS (PENSION), ALLAHABAD,  
UTTARPRADESH – 211014.
4. THE ZONAL MANAGER, ZONAL OFFICE,  
STATE BANK OF TRAVANCORE,  
THIRUVANANTHAPURAM – 695006.

**ADDITIONAL RESPONDENT NO.5.**

S.K.VILASINI, PEON, STATE BANK OF TRAVANCORE,  
UDAYAMKULANGARA BRANCH, AMARAVILA P.O,  
THIRUVANANTHAPURAM – 695122.

(ADDITIONAL RESPONDENT NO.5 IS IMPEADED AS PER ORDER DATED  
03-12-2012 IN M.A. NO.359/2012)

R1 TO R3 BY SR.PANEL COUNSEL SRI.K.M. JAMALUDEEN  
R4 BY ADV.SRI.XAVIER CHERIAN  
ADDL.R5 BY ADV.SRI. J.HARIKUMAR

O R D E R

Shrikant Tripathi, Member (J):

1. Heard Mr.B.Harish Kumar for the applicant, Mr.K.M.Jamaludheen for the respondents No.1 to 3 and Mr.J.Harikumar for the respondent No.5. None is present for the respondent No.4.

2. Mr.B.Harish Kumar appearing for the applicant submitted that in the present matter the question as to who is the widow of the deceased late Cfn No.7109716 Krishnan Sudhakaran is involved. He next stated that the respondents No.1 to 3 have always been and are still agreeable to pay the family pension to the person entitled to receive the same and there was no dispute to this extent. Therefore, Mr.Harish Kumar frankly conceded that the sole question of legal heriship, without any dispute pertaining to service conditions, does not come within the purview of "service matter" as defined in section 3(o) of the Armed

Forces Tribunal Act. In this view of the matter, Mr.B.Harish Kumar prays for and is permitted to withdraw the Original Application, with liberty to file appropriate proceeding before the competent Court for declaration of applicant's status as the widow of the aforesaid armed forces personnel. Accordingly the Original Application stands disposed of.

3. There will be no order as to costs.

4. Issue copy of the order to both side.

Sd/-

LT.GEN.THOMAS MATHEW  
MEMBER (A)

Sd/-

JUSTICE SHRIKANT TRIPATHI  
MEMBER (J)

an

(true copy)

Prl.Pvt.Secretary