

ARMED FORCES TRIBUNAL, REGIONAL BENCH, KOLKATA.

R.A. NO. 4/2022 with MA 38/2022(Arose from OA 146/2016).

Thursday, the 11<sup>th</sup> day of January 2024 at 2.30 PM.

Smt. Khurshida Bibi ... Review applicant.

-Vs-

Union of India and others

... Respondents

Present:

Mr Aniruddha Datta, Advocate, for the review applicant.

Mr Ajay Chaubey, Sr. PC, for respondents No.1 to 6).

None for respondent No.7.

Coram.

JUSTICE DHARAM CHAND CHAUDHARY, MEMBER(JUDICIAL).

LT. GENERAL(RTD.) BOBBY CHERIAN MATHEWS, MEMBER(ADMINISTRATIVE).  
(Through videoconference).

ORDER(ORAL).

JUSTICE DHARAM CHAND CHAUDHARY, MEMBER(JUDICIAL).

Heard.

(2) The original applicant has sought review of the order dated 06.05.2022 passed in OA No.146/2016 on condonation of delay. The delay of 38 days

occurred in filing the review application stands satisfactorily explained and even not inordinate also. The same is ordered to be condoned

(3) This review application has been filed by the original applicant against the order dated 06.05.2022 passed by a Bench of this Tribunal, of which one of the Members was one of us(Lt Gen(Rtd) Bobby Cherian Mathews, Member(A). Now on the resignation of one of the Members of the Bench, Mrs. Justice Anjana Mishra, the same Bench is not available, therefore the application is taken up for hearing by this Bench through videoconferencing.

(4) Perusal of the order sought to be reviewed reveals that the OA has been dismissed on the grounds inter alia that the decree of divorce having been passed by the Civil Court and the same accepted as technically correct by the respondents the applicant was no longer entitled to the maintenance claimed by her in the OA. The OA, previously instituted by the applicant, has also been dismissed as not pressed, of course with liberty reserved to the applicant to approach appropriate judicial forum in accordance with law if so advised.

(5) We therefore do not find any reason to interfere with the order sought to be reviewed. In our considered opinion there is neither any mistake nor error apparent on the face of record or sufficient reason shown to take in its sweep a ground analogous with those specified in the statutory provisions warranting review of an order and that too when this Bench has dismissed the OA after taking into consideration the given facts and circumstances and also the law laid down by the Hon'ble Supreme Court by way of various judicial pronouncements.

(6) As a matter of fact, the original applicant under the garb of the review application wanted this Tribunal to rehear the matter which is not legally permissible.

(7) In view of the above the review application is dismissed. Miscellaneous application(s) if any pending will also stand disposed of.

LT. GENERAL BOBBY CHERIAN MATHEWS,  
MEMBER(ADMINISTRATIVE).

JUSTICE DHARAM CHAND CHAUDHARY,  
MEMBER(JUDICIAL).

Na/