

FORM NO – 4

(SEE RULE 11 (1))

IN THE ARMED FORCES TRIBUNAL, REGIONAL BENCH, KOLKATA

ORDER SHEET

APPLICATION No : O A 35/2012

APPLICANT (S)	Smt. Sabejan Khatooon & Anr
RESPONDENT (S)	<u>Union of India & 6 Ors</u>
Legal Practitioner of applicant	Legal Practitioner for Respondent (s)
None	Mr. B.K.Das

NOTES OF THE REGISTRY	<u>ORDERS OF THE TRIBUNAL</u>
	<u>Order Sl. No.</u> : 15 <u>Dated :</u> 18.08.2014
	<p>None appears for the applicant. The applicant is also not present in person. Mr. B.K.Das, Id. counsel for the respondents is, however, present.</p> <p>One Mr. Nil Ratan Mondal, stated to be registered clerk of Mr. Arif Ali, Id. counsel on record for the applicant submits that he has been asked by Mr. Arif Ali to pray for an adjournment on the ground of his illness.</p> <p>Mr. B.K.Das, submits that Mr. Arif Ali was regularly irregular in his appearance before this Tribunal and he, in fact, appeared before this Court only on 9.5.2013. Thereafter on all subsequent occasions the Id. adv. for the applicant did not appear and on most of the occasions even without any intimation.</p> <p>In view of such long absence of Mr. Arif Ali, we made it clear vide our order dt. 7.3.14 that on the next date of hearing, in the event of absence of the applicant or her counsel, the matter would be dismissed for default under the relevant rules of AFT (Procedure) Rules. Despite such clear cut order neither the Id. counsel nor the applicant herself is present. Mr. Nil Ratan Mondal, the clerk of Mr. Arif Ali , however, could not explain as</p>

to why on earlier occasions i.e. on 18.6.14, 7.3.14, 3.12.13, 9.9.13 and 12.7.13, the Id. counsel failed to appear before this Court on behalf of the applicant. Under such circumstances, it appears to us that Smt. Sabejan Khatoon, wife of deceased soldier, is perhaps, not interested to proceed with the matter. In such situation, we are of the considered view that no fruitful purpose would be served in lingering the matter any more, especially when we had made it clear on earlier occasion that we would take the absence of the applicant herself or her counsel very seriously.

Such being the position, we have no other alternative but to dismiss this OA for default in appearance. Hence, it is ordered that the OA be dismissed for default in appearance under rule 16 of AFT (Procedure) Rules, 2008. No costs.

Let a plain copy of the order duly countersigned by the Tribunal Officer be furnished to both sides on observance of due formalities.

(LT. GEN K.P.D.SAMANTA)
MEMBER(A)

(JUSTICE RAGHUNATH RAY)
MEMBER(J)