

FORM No. 4
{(SEE RULE 11 (1))}
IN THE ARMED FORCES TRIBUNAL, REGIONAL BENCH, KOLKATA
ORDER SHEET

APPLICATION No. O.A.No. 12/2013

APPLICANT (S)	Malti Devi
RESPONDENT (S)	Union of India & 4 Others
Legal Practitioner for applicant (s)	Legal practitioner for Respondents
Mr. Subhash Chandra Hajra	Mr. Sandip Kumar Bhattacharyya

	<p style="text-align: center;"><u>ORDERS OF THE TRIBUNAL</u></p> <p><u>Order Serial Number:</u> 1 Dated : 01.04.2013</p>
	<p>Mr. Subhash Chandra Hajra, learned counsel appears for the the applicant. Mr.Sandip Kumar Bhattacharyya, learned counsel appears for the respondent Nos. 1 to 4 and files his memo of appearance to that effect. The same may be kept with the record.</p> <p>The applicant, who is the mother of the deceased soldier, is claiming for family pension which has been sanctioned to the widow of the deceased soldier, but the said widow is subsequently remarried. We also find from the application that there is a female child of the deceased soldier who lives with her mother and appears to be a minor.</p> <p>Considering the above we find that the child has not been impleaded anywhere as a party even though she is minor living with her mother who has been impleaded as respondent No. 5. We also observe that notice has not been served upon the private respondent No. 5, who is the widow of the deceased soldier i.e. the erstwhile daughter-in-law of the applicant. At this stage, Mr. Hajra sought for liberty to implead the minor child of the deceased soldier as party and for the purpose he prays for liberty to amend the cause title and the prayer portion in his application. Mr. Bhattacharyya raises no objection with regard to such amendment in the cause title and prayer portion of the application. He rather raises the issue that the child must be impleaded in the proceedings and she is very much entitled to claim family pension even if her mother is remarried. Under such circumstances, liberty is given to the learned counsel for the applicant to take steps to amend the cause title and prayer portion of his application.</p>

The matter is admitted unopposed.

As prayed for by the learned counsel for the applicant, two weeks' time is granted to him to file necessary affidavit for amendment. The learned counsel for the applicant shall serve copies of such amendment petition upon the learned counsel for the respondents and also upon the newly added respondents including respondent No. 5. Upon receipt of such amendment petition, Mr. Bhattacharyya shall file their affidavit-in-opposition within six weeks as prayed for by him. The applicant shall file their affidavit-in-reply within two weeks thereafter.

Let the matter appear for further order on 12.06.2013.

(Lt Gen K.P.D. Samanta)
Member (Administrative)

(Justice Raghunath Ray)
Member (Judicial)