

Form No.21  
[(SEE RULE 102(1))]

ARMED FORCES TRIBUNAL, KOLKATA BENCH

C.A.No.01/2020  
(Arising out of O.A.No. 146/2017)

THE 12<sup>TH</sup> DAY OF AUGUST, 2024

Smt. Mithu Das ..... Applicant  
-Vs-  
Smt. Sanjeevane Kuty&Ors. .... Respondents

Advocates present:

For the applicant:  
Ms. Supriya Dey, Advocate

For the Contemnors:  
Mr. Ajay Chaubey, Senior Panel Counsel for R. 1 to 3  
Mr. Ajay Chaubey, Sr. PC with Mr. Rajib Mukherjee, Advocate for R.4  
Mr. Aniruddha Datta, Advocate for R.5

CORAM:

HON'BLE MR. JUSTICE DHARAM CHAND CHAUDHARY, MEMBER (JUDICIAL)  
HON'BLE LT GEN SHASHANK SHEKHAR MISHRA, MEMBER (ADMINISTRATIVE)

ORDER (Oral)

JUSTICE DHARAM CHAND CHAUDHARY, MEMBER (JUDICIAL)

Heard.

(2) Vide order dated 09/05/2019 stated to be violated, special family pension has been ordered to be divided between the original applicant- Smt. Sumi Hansda, mother of the deceased soldier and the applicant herein Smt. Mithu Das his widow (respondent No.6 in the original application) in the ratio of 50:50. There is no dispute *qua* this aspect of the matter, as learned counsel on both sides submit that the special family pension stand

divided between the original applicant and respondent No.6 in the ratio of 50:50. Now, it is the 30% balance amount i.e. Rs.6,00,000/- payable under the Army Group Insurance policy released by respondent No.5 in favour of the applicant/mother of the deceased soldier well before 09/05/2019, the date when the order stated to be violated passed in the original application directing thereby the respondent No.5 to release the same to respondent No.6-widow of the deceased soldier. The same, however, was already paid to the applicant/mother of the deceased soldier and we have been informed that she is now not ready to part with this amount and to refund the same to respondent No.6. Therefore, since it is the respondent No.6 in the original application Smt. Mithu Das is entitled to get this amount as per the order stated to be violated.

(3) Being so, there shall be a direction to the applicant-Smt. Sumi Hansda in the original application to refund the sum of Rs. 6,00,000/- to respondent No.6, Smt. Mithu Das within two months from the date of receipt of certified copy of this order, failing which respondent No.6 to get revive these proceedings against the applicant-Smt. Sumi Hansda original applicant the mother of deceased soldier.

4) Mr. Datta learned counsel representing the applicant-Smt. Sumi Hansda submits that the widow Smt. Mithu Das has now contracted second marriage after the order, stated to be violated, has been passed. The same, however, is of no help to the mother of the deceased soldier, as we are

concerned with the implementation of the order stated to be violated which pertains to 09<sup>th</sup> May, 2019.

(5) The proceedings, at this stage, stand closed and the show-cause notice discharged.

Miscellaneous Application(s), if any, pending will also stand disposed of accordingly.

LT GEN SHASHANK SHEKHAR MISHRA  
HON'BLE MEMBER(A)

JUSTICE DHARAM CHAND CHAUDHARY  
HON'BLE MEMBER(J)

vr/-