



2026:AHC:23843-DB

HIGH COURT OF JUDICATURE AT ALLAHABAD

WRIT - A No. - 1593 of 2026

Smt Ram Kumari Pandey

.....Petitioner(s)

Versus

Union of India and 5 others

.....Respondent(s)

Counsel for Petitioner(s)	:	Shiv Kant Pandey
Counsel for Respondent(s)	:	Shiv Kumar Pal, Dy.S.G.

Chief Justice's Court

HON'BLE ARUN BHANSALI, CHIEF JUSTICE
HON'BLE KSHITIJ SHAILENDRA, J.

1. This petition is directed against order dated 07.10.2025 passed by Armed Forces Tribunal, Regional Bench, Lucknow ('the Tribunal') in Execution Application No. 284 of 2022 whereby the Tribunal directed the applicant to file notarized affidavit that she is the legally wedded wife of the deceased-soldier. The Tribunal further directed counsel for the applicant to file notarized affidavit on behalf of the applicant and copy of the family register to establish that petitioner was legally wedded wife of the deceased-soldier.
2. Applicant - Moti Lal Pandey approached the Tribunal in the year 2011 seeking grant of pension.
3. During pendency of the said proceedings, Moti Lal Pandey expired. An application seeking substitution was filed by the petitioner which was allowed by the Tribunal.
4. Whereafter, the Original Application ('O.A.') came to be decided on 25.10.2021 with the following directions:-

"16. Accordingly, Original Application is hereby partly allowed. Objections raised by the respondents rejecting the claim of the applicant for grant of reservist pension are rejected. Applicant shall submit relevant documents to respondents to authenticate that she is legal wife of Late Moti Lal Pandey. After receipt of documents, respondents shall amend their record and enter the name of Smt Ram Kumari Pandey in service

record of Late Moti Lal Pandey. The respondents are directed to pay the arrears of reservist pension to be calculated in accordance with rules to late Moti Lal Pandey from 25.03.2008 till his life time i.e. 19.10.2014 and thereafter family pension to applicant from next date of death of her husband for life after adjusting the gratuity amount already paid. The respondents shall issue a Pension Payment Order to this effect within a period of four months from the date of receipt of a certified copy of this order by the respondents, failing which they will have to pay interest @9% on the amount from the date of its accrual till the date of actual payment."

5. An Execution Application was filed in the year 2022, which remained pending before the Tribunal for all these years, and ultimately, an order dated 07.10.2025 has been passed wherein when the petitioner claimed that all the relevant documents in terms of order dated 25.10.2021 have been produced, on which submissions were made that notarized affidavit with regard to marriage was not submitted by the applicant, on which the Tribunal passed the following directions:-

"9. Learned counsel for the applicant is directed to file notarised affidavit on behalf of the applicant that she was the legally wedded wife of the deceased soldier. He may also file copy of family register to establish that she was legally wedded wife of the deceased soldier. Learned counsel for the applicant may also file any other document to substantiate her claim that the applicant was legally wedded wife of the deceased ex-serviceman."

6. Feeling aggrieved of the said directions, the present petition has been filed.

7. Counsel for the petitioner made submissions that once the substitution application was allowed, the respondents were not justified in seeking documents from the petitioner. Further submissions have been made that the Tribunal has directed the counsel for the applicant to file a notarized affidavit on behalf of the applicant and file family register, which is not justified, as counsel is not expected to file affidavit on behalf of the client and, therefore, the order impugned deserves to be set aside.

8. Counsel for the respondents supported the order impugned. Submissions have been made that the Tribunal has only directed filing of the affidavit and though indication made is that the counsel was directed to file the affidavit, the purport always has been that the applicant would file requisite affidavit, and, therefore, the petition has no substance.

9. We have considered the submissions made and perused the material available on record.

10. The plea raised that as the substitution was allowed, the petitioner was not required to produce any document, is *ex-facie* incorrect, inasmuch as, the substitution proceedings are not substantial in nature and are only for the purpose of carrying forward the pending litigation and does not decide the rights of the parties and, therefore, the Tribunal while deciding the O.A. has specifically directed the petitioner to submit relevant documents to respondents to authenticate that she is legally wedded wife of late Moti Lal Pandey. Admittedly, the said direction of the Tribunal dated 25.10.2021 has not been questioned and, therefore, requirement to produce the documents cannot now be escaped.

11. Insofar as the directions given by the Tribunal in the nature, as noticed hereinbefore, wherein the counsel for the applicant was directed to file a notarized affidavit on behalf of the applicant is concerned, though in letter the objection raised by counsel for the petitioner may be justified, the spirit of the order is very clear wherein the petitioner was required to file notarized affidavit as was required by the respondents.

12. Filing of the petition seeking to question the direction for filing a notarized affidavit on a wholly baseless ground only by reading the letter of the order and questioning the requirement, which requirement was indicated by the order dated 25.10.2021 and was not questioned then, is absolutely frivolous. The challenge laid essentially is depriving the petitioner of the benefits of the directions given by the Tribunal way back in the year 2021.

13. In the circumstances of the case, we do not find any reason to interfere with the order dated 07.10.2025 passed by the Tribunal.

14. It is made clear that if the requisite notarized affidavit is filed by the petitioner-applicant along with the material, as directed by the Tribunal, the same shall be accepted by the respondents and the matter shall be processed with utmost expedition.

15. The petition is, accordingly, **disposed of**.

(Kshitij Shailendra, J) (Arun Bhansali, CJ)

February 4, 2026
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