

Form No. 4
{See rule 11(1)}
ORDER SHEET
ARMED FORCES TRIBUNAL, REGIONAL BENCH, LUCKNOW

Court No. 2

M.A. No. 1232 of 2016 Inre O.A. No. Nil of 2016

Harendra Vikram Singh
By Legal Practitioner for Applicant

Applicant

Versus

Union of India & Others
By Legal Practitioner for Respondents

Respondents

| Notes of the Registry | Orders of the Tribunal |
|-----------------------|--|
| | <p><u>26.05.2016</u> <u>Hon'ble Mr. Justice D.P. Singh, Member (J)</u> <u>Hon'ble Air Marshal Anil Chopra, Member (A)</u></p> <p style="text-align: center;">Present : Shri Yash Pal Singh, Ld. Counsel for the applicant and Shri V.P.S.Vats, Ld. Counsel for the respondents assisted by Lt Col Subodh Verma, OIC Legal Cell.</p> <p style="text-align: center;">Learned counsel for the respondents prays for and is granted four weeks' time to file counter affidavit. Rejoinder affidavit if any may be filed within two weeks next thereafter.</p> <p style="text-align: center;">List this case on 02.08.2016 for orders.</p> <p style="text-align: center;">(Air Marshal Anil Chopra) Member (A)</p> <p style="text-align: center;">(Justice D.P. Singh) Member (J)</p> <p style="text-align: left;"><small>MH/-</small></p> |

Form No. 4
{See rule 11(1)}
ORDER SHEET
ARMED FORCES TRIBUNAL, REGIONAL BENCH, LUCKNOW

Court No. 2

O.A. No. 135 of 2010

Smt Jyoti Singh

Applicant

By Legal Practitioner for Applicant

Versus

Union of India & Others

Respondents

By Legal Practitioner for Respondents

| Notes of the Registry | Orders of the Tribunal |
|------------------------------|---|
| | <p><u>26.05.2016</u> <u>Hon'ble Mr. Justice D.P. Singh, Member (J)</u> <u>Hon'ble Air Marshal Anil Chopra, Member (A)</u></p> <p style="text-align: center;">Present: Shri P.N. Chaturvedi, Ld. Counsel for the applicant and Shri Amit Jaiswal, Ld. Counsel for the respondents assisted by Lt Col Subodh Verma, OIC Legal Cell.</p> <p>On the last date, the respondents were peremptorily directed to produce the relevant records failing which exemplary cost may be imposed. Today on case being called out, the learned counsel for the respondents put forth for perusal the photo copies of the relevant record without any attempt to bring on record the relevant documents by way of supplementary affidavit.</p> <p>Learned counsel for the respondents prays for and is granted two weeks time to bring on record relevant materials with regard to attributability by way of filing supplementary counter affidavit.</p> <p style="text-align: center;">List this case on 11.07.2016 for orders.</p> <p style="text-align: center;">(Air Marshal Anil Chopra) Member (A)</p> <p style="text-align: center;">(Justice D.P. Singh) Member (J)</p> <p><small>MH/-</small></p> |

Form No. 4
{See rule 11(1)}
ORDER SHEET
ARMED FORCES TRIBUNAL, REGIONAL BENCH, LUCKNOW

Court No. 2

O.A. No. 125 of 2015

Smt Manoj Singh
By Legal Practitioner for Applicant

Applicant

Versus

Union of India & Others
By Legal Practitioner for Respondents

Respondents

| Notes of the Registry | Orders of the Tribunal |
|-----------------------|---|
| | <p><u>26.05.2016</u> <u>Hon'ble Mr. Justice D.P. Singh, Member (J)</u> <u>Hon'ble Air Marshal Anil Chopra, Member (A)</u></p> <p style="text-align: center;">Present : Shri Shailendra Kumar Singh, Ld. Counsel for the applicant and Mrs Appoli Shrivastava, Ld. Counsel for the respondents assisted by Lt Col Subodh Verma, OIC Legal Cell.</p> <p>We have heard learned counsel for the Applicant and also Smt Appoli Srivastava appearing for the respondents. We have also heard Surgeon CDR G.Parthasarthy, Joint Director AFMS (Pension) and Shri S.C.Saroj SAO, who appeared in representative capacity of PCDA (P) Allahabad. We have also gone through the original record.</p> <p>From a scrutiny of the original record, it transpires that the Medical Board, which examined the deceased, had opined the heart failure attributable to and aggravated by Military service. To be precise, the Medical observed the heart failure occurred due to hectic duties assigned to the deceased on the date when heart attack preyed on deceased. It was also observed that during obstacle running, the deceased had complained of chest pain and later on, he suffered heart failure. It would thus appear that the deceased suffered heart failure due to stress and strain the causative factor of which was hectic duties.</p> <p>When Surgeon CDR G.Parthasarthy was confronted with the opinion of the Medical Board, he merely stated that opinion of Directorate of AFMS was based on the documents sent to them. On being asked whether they could sit over the opinion of the Medical Board or whether they acted as a superior authority over the Medical Board, he had no answer to offer.</p> <p>From a perusal of records in entirety, it seems to us that neither DGAFMS nor PCDA (P) Allahabad have closely gone through the original medical report whereby stress and strain have been categorically mentioned as the causative factor of the heart failure on which basis, the Medical Board opined the death to be attributable to and aggravated by</p> |

Military service. In the facts and circumstances, we feel called to say that a harsh view has been taken in the matter, that too, in the teeth of the medical opinion which clearly leaned in favour of the deceased who had suffered heart failure while on duty.

The Applicant is permitted to implead PCDA (P) Allahabad as one of the respondents in the instant O.A i.e respondent no 6.

Since Senior Accounts Officer has appeared on behalf of the PCDA (P) Allahabad, no fresh notice is required to be issued.

Let respective counter affidavits be filed giving parawise reply to the averments made in the OA by respondents 3 and 6 within four weeks. While filing counter affidavits the respondents aforesaid shall bring on record the Rules and Regulations and also the Government Orders which regulate their working, jurisdiction and power to take opinion different from the opinion of the Medical Board as well as OIC records. Rejoinder affidavit if any, may be filed within two weeks next thereafter.

On the next date fixed, the entire records shall again be produced for perusal of the Bench. Both the officers who appeared for the PCDA (P) Allahabad and the respondent no 3 shall again appear alongwith records on the date fixed to assist the Tribunal so that the matter may be finally heard.

List this case on 02.08.2016 for hearing.

Let a copy of this order be supplied to the learned counsel for the parties within 2 days on payment of usual charges under the AFT Act.

(Air Marshal Anil Chopra)
Member (A)

(Justice D.P. Singh)
Member (J)

MH/-

Form No. 4
{See rule 11(1)}
ORDER SHEET
ARMED FORCES TRIBUNAL, REGIONAL BENCH, LUCKNOW

Court No. 2

O.A. No. 298 of 2015 with M.A. No. 612 of 2016

Smt. Omwati & Ors
By Legal Practitioner for Applicant

Applicant

Versus

Union of India & Others
By Legal Practitioner for Respondents

Respondents

| Notes of the Registry | Orders of the Tribunal |
|-----------------------|---|
| | <p><u>26.05.2016</u> <u>Hon'ble Mr. Justice D.P. Singh, Member (J)</u> <u>Hon'ble Air Marshal Anil Chopra, Member (A)</u></p> <p style="text-align: center;">Present : Shri Akhilesh Pandey, Ld. Counsel for the applicants and Mrs Deepti Prasad Bajpai, Ld. Counsel for the respondents assisted by Lt Col Subodh Verma, OIC Legal Cell. Shri Arvind Kumar Srivatava for respondents 4 and 5.</p> <p style="text-align: center;">Case called out in the revised list but there is no appearance for the Applicant.</p> <p><u>M.A.No 612 of 2016</u></p> <p>By the earlier order, the respondents 4 and 5 were directed to file details of payment with regard to family pension of each of the Applicants. Shri Arvind Kumar Srivastava who appeared for respondents 4 and 5 has made a statement across the bar that entire outstanding dues payable to the Applicants have been released by the Bank and in this connection, he drew attention to the details annexed with the affidavit accompanying M.A aforesaid. It would thus appear that in compliance of the order of the Tribunal dated 20.05.2016; the entire outstanding dues payable to the Applicants have been cleared.</p> <p style="text-align: center;">Accordingly the M.A aforesaid shall stand disposed of.</p> <p><u>O.A. No.298 of 2015</u></p> <p style="text-align: center;">In view of the above, the reliefs prayed for having been granted, the O.A does not survive and is accordingly dismissed in limine.</p> <p style="text-align: center;">(Air Marshal Anil Chopra) Member (A)</p> <p style="text-align: center;">(Justice D.P. Singh) Member (J)</p> <p style="text-align: left;"><small>MH/-</small></p> |

Form No. 4
{See rule 11(1)}
ORDER SHEET
ARMED FORCES TRIBUNAL, REGIONAL BENCH, LUCKNOW

Court No. 2

T.A. No. 1461 of 2010 with M.A. No. 94 of 2012
& M.A. No. 2106 of 2015

Bhola Singh
By Legal Practitioner for Petitioner

Petitioner

Versus

Union of India & Others
By Legal Practitioner for Respondents

Respondents

| Notes of the Registry | Orders of the Tribunal |
|-----------------------|--|
| | <p><u>26.05.2016</u> <u>Hon'ble Mr. Justice D.P. Singh, Member (J)</u> <u>Hon'ble Air Marshal Anil Chopra, Member (A)</u></p> <p style="text-align: center;">Present : Shri Jai Narain Mishra, Ld. Counsel for the petitioner and Md Zafar Khan, for the respondents 1 to 7 and Shri Kaushik Chatterji, Ld. Counsel appearing for the respondents 8 and 9 assisted by Lt Col Subodh Verma, OIC Legal Cell.</p> <p style="text-align: center;">Learned counsel for the Applicant prays for and is granted two weeks' time to file rejoinder affidavit. Replication if any may be filed within two weeks next thereafter.</p> <p style="text-align: center;">List this case on 03.08.2016 for orders.</p> <p style="text-align: center;">(Air Marshal Anil Chopra) Member (A)</p> <p style="text-align: center;">(Justice D.P. Singh) Member (J)</p> <p><small>MH/-</small></p> |

Form No. 4
{See rule 11(1)}
ORDER SHEET
ARMED FORCES TRIBUNAL, REGIONAL BENCH, LUCKNOW

Court No. 2

O.A. No. 185 of 2015

Raj Kumari
By Legal Practitioner for Applicant

Applicant

Versus

Union of India & Others
By Legal Practitioner for Respondents

Respondents

| Notes of the Registry | Orders of the Tribunal |
|-----------------------|---|
| | <p><u>26.05.2016</u> <u>Hon'ble Mr. Justice D.P. Singh, Member (J)</u> <u>Hon'ble Air Marshal Anil Chopra, Member (A)</u></p> <p style="text-align: center;">Present : Shri P.K. Shukla, Ld. Counsel for the applicant and Dr. Shailendra Sharma Atal, Ld. Counsel for the respondents assisted by Lt Col Subodh Verma, OIC Legal Cell.</p> <p style="text-align: center;">By the earlier order, the respondents were directed to produce original documents pertaining to the case for perusal of the Bench. Learned Counsel for the respondents prays more time to produce the original documents as required by the Tribunal.</p> <p style="text-align: center;">As prayed two weeks' further time is granted to bring on record the documents required by the Tribunal by way of supplementary counter affidavit. Replication thereto if any may be filed within two weeks next thereafter.</p> <p style="text-align: center;">List this case on 03.08.2016 for further hearing.</p> <p style="text-align: center;">(Air Marshal Anil Chopra) Member (A)</p> <p style="text-align: center;">(Justice D.P. Singh) Member (J)</p> <p><small>MH/-</small></p> |

Form No. 4
{See rule 11(1)}
ORDER SHEET
ARMED FORCES TRIBUNAL, REGIONAL BENCH, LUCKNOW

Court No. 2

O.A. No. 123 of 2010

Durgawati Singh
By Legal Practitioner for Applicant

Applicant

Versus

Union of India & Others
By Legal Practitioner for Respondents

Respondents

| Notes of the Registry | Orders of the Tribunal |
|-----------------------|---|
| | <p><u>26.05.2016</u> <u>Hon'ble Mr. Justice D.P. Singh, Member (J)</u> <u>Hon'ble Air Marshal Anil Chopra, Member (A)</u></p> <p style="text-align: center;">Present : Shri V.A. Singh, Ld. Counsel for the applicant and Shri G.S. Sikarwar, Ld. Counsel for the respondents assisted by Lt Col Subodh Verma, OIC Legal Cell.</p> <p style="text-align: center;">Required documents have not been produced by the respondents in terms of the earlier orders.</p> <p style="text-align: center;">As prayed, three weeks' further time is granted to file affidavit alongwith required documents. Replication if any may be filed within two weeks next thereafter.</p> <p style="text-align: center;">List this case on 03.08.2016 for hearing.</p> <p style="text-align: center;">(Air Marshal Anil Chopra) Member (A)</p> <p style="text-align: center;">(Justice D.P. Singh) Member (J)</p> <p><i>MH/-</i></p> |

Form No. 4
{See rule 11(1)}
ORDER SHEET

ARMED FORCES TRIBUNAL, REGIONAL BENCH, LUCKNOW

Court No. 2

O.A. No. 242 of 2013 with M.A. No. 456 of 2016

Jitendra Kumar Singh
By Legal Practitioner for Applicant

Applicant

Versus

Union of India & Others
By Legal Practitioner for Respondents

Respondents

| Notes of the Registry | Orders of the Tribunal |
|-----------------------|--|
| | <p><u>26.05.2016</u> <u>Hon'ble Mr. Justice D.P. Singh, Member (J)</u> <u>Hon'ble Air Marshal Anil Chopra, Member (A)</u></p> <p>Present : Shri P.N. Chaturvedi, Ld. Counsel for the applicant and Shri Yogesh Kesarwani, Ld. Counsel for the respondents assisted by Lt Col Subodh Verma, OIC Legal Cell.</p> <p>As prayed by learned counsel for the respondents four weeks' further time is allowed to file supplementary counter affidavit to the rejoinder affidavit. Supplementary rejoinder affidavit if any may be filed within two weeks next thereafter.</p> <p>List for hearing on 04.08.2016.</p> <p>(Air Marshal Anil Chopra) Member (A)</p> <p>(Justice D.P. Singh) Member (J)</p> <p><small>MH/-</small></p> |

Form No. 4
{See rule 11(1)}
ORDER SHEET
ARMED FORCES TRIBUNAL, REGIONAL BENCH, LUCKNOW

Court No. 2

O.A. No. 110 of 2014

Pratap Singh

By Legal Practitioner for Applicant

Applicant

Versus

Union of India & Others

By Legal Practitioner for Respondents

Respondents

| Notes of the Registry | Orders of the Tribunal |
|-----------------------|--|
| | <p><u>26.05.2016</u> <u>Hon'ble Mr. Justice D.P. Singh, Member (J)</u> <u>Hon'ble Air Marshal Anil Chopra, Member (A)</u></p> <p style="text-align: center;">Present : Shri Shailendra Kumar Singh, Ld. Counsel for the applicant and Shri Namit Sharma, Ld. Counsel for the respondents assisted by Wg Cdr Sardul Singh, OIC Legal Cell.</p> <p style="text-align: center;">As prayed by learned counsel for the respondents, list this case on 30th May 2016 for hearing.</p> <p style="text-align: center;">On the date fixed, learned counsel for the parties may submit synopsis/written arguments, supported with law, if any.</p> <p style="text-align: center;">(Air Marshal Anil Chopra) Member (A)</p> <p style="text-align: center;">(Justice D.P. Singh) Member (J)</p> <p><small>MH/-</small></p> |

Form No. 4
{See rule 11(1)}
ORDER SHEET
ARMED FORCES TRIBUNAL, REGIONAL BENCH, LUCKNOW

Court No. 2

O.A. No. 20 of 2016

Bal Krishna M

By Legal Practitioner for Applicant

Applicant

Versus

Union of India & Others

By Legal Practitioner for Respondents

Respondents

| Notes of the Registry | Orders of the Tribunal |
|-----------------------|---|
| | <p><u>26.05.2016</u> <u>Hon'ble Mr. Justice D.P. Singh, Member (J)</u> <u>Hon'ble Air Marshal Anil Chopra, Member (A)</u></p> <p style="text-align: center;">Present: Applicant in person and Dr. Shailendra Sharma Atal, Ld. Counsel for the respondents assisted by Wg Cdr Sardul Singh, OIC Legal Cell.</p> <p style="text-align: center;">As prayed list this case on 05.07.2016 for hearing.</p> <p style="text-align: center;">On the date fixed, learned counsel for the parties shall submit synopsis/written arguments, supported with law etc.</p> <p style="text-align: center;">(Air Marshal Anil Chopra) Member (A)</p> <p style="text-align: center;">(Justice D.P. Singh) Member (J)</p> <p><small>MH/-</small></p> |

Form No. 4
{See rule 11(1)}
ORDER SHEET
ARMED FORCES TRIBUNAL, REGIONAL BENCH, LUCKNOW
O.A. No. 72 of 2015 **Court No. 2**

Shreepad Bhat
By Legal Practitioner for Applicant

Applicant

Versus

Union of India & Others
By Legal Practitioner for Respondents

Respondents

| Notes of the Registry | Orders of the Tribunal |
|-----------------------|--|
| | <p><u>25.05.2016</u> <u>Hon'ble Mr. Justice D.P. Singh, Member (J)</u> <u>Hon'ble Air Marshal Anil Chopra, Member (A)</u></p> <p style="text-align: center;">Present : Shri Vikash Singh/Ankita Singh/I Baghel, Ld. Counsel for the applicant and Shri Amit Sharma, Ld. Counsel for the respondents assisted by Wg Cdr Sardul Singh, OIC Legal Cell.</p> <p>The case is listed today for further hearing. By order dated 04.05.2016, the respondents were directed to produce the original records. In spite of order dated 04.05.2016, the original record has not been produced today for perusal of the Bench. Learned counsel for the respondents tried to explain the omission submitting that he could not notice the portion of the order, which directed production of the record for perusal of the Bench.</p> <p style="text-align: center;">As prayed, the case is adjourned today.</p> <p style="text-align: center;">List this case for further hearing on 02.08.2016.</p> <p style="text-align: center;">(Air Marshal Anil Chopra) Member (A)</p> <p style="text-align: center;">(Justice D.P. Singh) Member (J)</p> <p><small>MH</small></p> |

Form No. 4
{See rule 11(1)}
ORDER SHEET
ARMED FORCES TRIBUNAL, REGIONAL BENCH, LUCKNOW

Court No. 2

T.A. No. 1093 of 2010

Smt Prasandi Devi
By Legal Practitioner for Petitioner

Petitioner

Versus

Union of India & Others
By Legal Practitioner for Respondents

Respondents

| Notes of the Registry | Orders of the Tribunal |
|-----------------------|---|
| | <p><u>25.05.2016</u> <u>Hon'ble Mr. Justice D.P. Singh, Member (J)</u> <u>Hon'ble Air Marshal Anil Chopra, Member (A)</u></p> <p style="text-align: center;">Present : Shri R. Chandra, Ld. Counsel for the petitioner and Shri Adesh Kumar Gupta, Ld. Counsel for the respondents assisted by Lt Col Subodh Verma, OIC Legal Cell.</p> <p style="text-align: center;">Supplementary rejoinder affidavit filed today in court is taken on record.</p> <p style="text-align: center;">List for hearing on 02.08.2016 for hearing.</p> <p style="text-align: center;">On the date fixed, learned counsel for the respondents shall produce original records pertaining to the case for perusal of the Bench.</p> <p style="text-align: center;">(Air Marshal Anil Chopra) Member (A)</p> <p style="text-align: center;">(Justice D.P. Singh) Member (J)</p> <p style="text-align: left;"><small>MH</small></p> |

Form No. 4
{See rule 11(1)}
ORDER SHEET
ARMED FORCES TRIBUNAL, REGIONAL BENCH, LUCKNOW

Court No. 2

T.A. No. 7 of 2012

Ganpati Singh
By Legal Practitioner for Petitioner

Petitioner

Versus

Union of India & Others
By Legal Practitioner for Respondents

Respondents

| Notes of the Registry | Orders of the Tribunal |
|-----------------------|--|
| | <p><u>25.05.2016</u> <u>Hon'ble Mr. Justice D.P. Singh, Member (J)</u> <u>Hon'ble Air Marshal Anil Chopra, Member (A)</u></p> <p style="text-align: center;">Present : Applicant in person and Shri Yogesh Kesarwani, Ld. Counsel for the respondents assisted by Lt Col Subodh Verma, OIC Legal Cell.</p> <p style="text-align: center;">As prayed, a week further time is allowed to file supplementary counter affidavit. Supplementary rejoinder affidavit, if any, may be filed within two weeks next thereafter.</p> <p style="text-align: center;">List this case on 21.07.2016 for hearing.</p> <p style="text-align: center;">(Air Marshal Anil Chopra) Member (A)</p> <p style="text-align: center;">(Justice D.P. Singh) Member (J)</p> <p><small>MH</small></p> |

Form No. 4
{See rule 11(1)}
ORDER SHEET
ARMED FORCES TRIBUNAL, REGIONAL BENCH, LUCKNOW
Court No. 2
T.A. No. 36 of 2012

Smt. Harauli Devi
By Legal Practitioner for Petitioner

Petitioner

Versus

Union of India & Others
By Legal Practitioner for Respondents

Respondents

| Notes of the Registry | Orders of the Tribunal |
|------------------------------|--|
| | <p><u>25.05.2016</u> <u>Hon'ble Mr. Justice D.P. Singh, Member (J)</u> <u>Hon'ble Air Marshal Anil Chopra, Member (A)</u></p> <p>Present : Shri S.P. Tiwari, Ld. Counsel for the petitioner and Mrs Deepti Prasad Bajpai, Ld. Counsel for the respondents assisted by Lt Col Subodh Verma, OIC Legal Cell.</p> <p>In the counter affidavit, admission is writ large that the Applicant is the first legally wedded wife of deceased Army personnel Hav Anand Singh. Prima facie, it appears that the first wife should have primacy more so when she is leading a widowed life.</p> <p>Accordingly, as an interim measure, the respondents are directed to stop full payment of pension to the respondent no 4 who happens to be the second wife of the deceased Army Personnel and divide the pension in such a manner that each of the wives of the deceased Army Personnel gets 50% of the pension. To rephrase it, 50% pension shall be paid to the Applicant and 50% pension shall be paid to respondent no 4.</p> <p>List this case for hearing peremptorily on 01.08.2016.</p> <p>Let a copy of this order be supplied to the learned counsel for the parties.</p> <p>(Air Marshal Anil Chopra) Member (A)</p> <p>(Justice D.P. Singh) Member (J)</p> <p><small>MH</small></p> |

Form No. 4
{See rule 11(1)}
ORDER SHEET
ARMED FORCES TRIBUNAL, REGIONAL BENCH, LUCKNOW
Court No. 2
T.A. No. 4 of 2015

Ankit Kumar Pandey (Minor)
 By Legal Practitioner for Petitioner

Petitioner

Versus

Union of India & Others
 By Legal Practitioner for Respondents

Respondents

| Notes of the Registry | Orders of the Tribunal |
|-----------------------|--|
| | <p><u>25.05.2016</u> <u>Hon'ble Mr. Justice D.P. Singh, Member (J)</u> <u>Hon'ble Air Marshal Anil Chopra, Member (A)</u></p> <p>Present : Shri Shailendra Kumar Singh, Ld. Counsel for the petitioner and Shri Amit Jaiswal, Ld. Counsel for the respondents assisted by Lt Col Subodh Verma, OIC Legal Cell.</p> <p>The Applicant, who is minor son of deceased Army personnel, has been residing with his grandfather, having been deserted by his mother who has been residing at her parental house. Resultantly the minor who is the son of the deceased Army personnel is virtually on road being without any financial aid. However, the grandfather, who is also in straitened circumstances due to paucity of funds is somehow taking care of the Applicant. There is no gainsaying that the mother of the Applicant left her matrimonial house and she is residing at her parental house leaving her son to the care of grandfather who does not have requisite financial capacity to keep the pot boiling. In our considered view, the minor son cannot be deprived of the benefits from the earning of his deceased father. Prima facie, the Applicant seems to be entitled for financial aid from the earning of his father. A preliminary objection has been raised that the T.A has been filed by the grandfather and not by the mother who is natural guardian of the minor. Once the mother has abandoned her own son and compelled him to life with grandfather, there is no option left except to bifurcate the pension of the deceased father for equal distribution between the mother and the minor son. We are supported by two decisions of the Apex Court for the view we are taking in this case, namely, Nil Ratan Kundu and another vs Abhijit Kundu (2008) 9 SCC 413 and ABC vs State (NCT of Delhi), (2015) 10 SCC 1, The substance of what has been held in the aforesaid decisions is that in selecting proper guardian of a minor, the paramount consideration should be the welfare and well being of the child.</p> |

In selecting a guardian, the court is exercising parens patriae jurisdiction and is expected, nay bound, to give due weight to a child's ordinary comfort, contentment, health, education, intellectual development and favourable surroundings. In the instant case, we have been informed that the mother has already given consent that 50% of the pension of the deceased father should go to the minor son.

In view of the above factual matrix on record, as an interim measure, we direct the respondents to pay 50% of the pensionary benefits to the minor son through grandfather who is guardian of the minor.

List this case peremptorily for hearing on 02.08.2016.

Let a copy of this order be supplied to the learned counsel for the parties today.

(Air Marshal Anil Chopra)
Member (A)

(Justice D.P. Singh)
Member (J)

MH