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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**

+ W.P.(C) 10210/2017

VOICE OF EX-SERVICEMEN SOCIETY (REGD.) & ORS

..... Petitioners

Through: Mr.Umesh Sharma, Advocate

versus

MINISTRY OF DEFENCE

..... Respondent

Through

CORAM:

HON'BLE MR. JUSTICE G.S.SISTANI

HON'BLE MS. JUSTICE JYOTI SINGH

ORDER

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01.11.2018

C.M.46084/2018 (for restoration)

This is an application filed by the applicants/petitioners in a disposed of writ petition for restoring the writ petition to its original number for hearing. Mr.Umesh Sharma, counsel appearing for the applicants/petitioners submits that the necessity of filing of this application has arisen on account of the fact that the Registry of the Armed Forces Tribunal has declined to list the matter for hearing. The matter was thereafter mentioned before the Chairman but hearing of the matter was declined on the ground that a society representing the petitioners cannot be entertained. Attention has been drawn to the learned counsel for the applicants to sub-rule (5) of Rule 4 of the Armed Forces Tribunal (Procedure) Rules, 2008, which we reproduced below:

“4. Procedure for filing applications:

.....

(5) Notwithstanding anything contained in sub-rules (1) to (3), the Tribunal may permit more than one person, other than the person

serving in the regular Army, Navy or Air Force to join together and file a single application if it is satisfied, having regard to the cause of action and the nature of relief prayed for, that they have a common interest in the matter.

Provided that all affected persons are impleaded as parties and they join together to file such an application, when they are likely to be affected by the decision in the case.”

The applicants/petitioners shall bring this rule to the notice of the Registry after suitably amending the petition.

With these directions, the application stands disposed of.

G.S.SISTANI, J

JYOTI SINGH, J

NOVEMBER 01, 2018

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