

\$~38

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

+ **W.P.(C) 10542/2019**

NAIB SUBEDAR SOUMEN DAS AND ORS. Petitioners

Through: Mr.Prakash Sinha, Advocate.

versus

UNION OF INDIA AND ORS. Respondents

Through: Mr.Harish V. Shankar, CGSC with
Mr.Anshuman, GP and Major Arjun
Singh Katoch.

CORAM:

JUSTICE S.MURALIDHAR

JUSTICE TALWANT SINGH

ORDER

%

27.09.2019

CM APPL. 43637/2019 (exemption)

1. Allowed, subject to all just exceptions.

W.P.(C) 10542/2019 and CM APPL. 43636/2019(direction)

2. Learned counsel for the Respondent appearing on advance notice states that one of the co-accused has approached the Armed Forces Tribunal (AFT) and the matter is listed there on 26th October, 2019.

3. Learned counsel for the Petitioners states that an objection was taken by the Respondents to the maintainability of the above aforementioned petition before the AFT, and therefore, the Petitioners have approached this Court.

4. Today learned counsel for the Respondent clarifies, on instructions, that

no objection would be raised by the Respondents as regards maintainability if the Petitioners were also to approach the AFT for the reliefs sought in the present petition. However, it will be open to the Respondents to approach such petition on merits.

5. In that view of the matter, the Petitioner seeks to withdraw this petition with liberty to approach the AFT for relief.

6. Dismissed as withdrawn with liberty as prayed for.

7. Order *dasti* under the signatures of the Court Master.

S. MURALIDHAR, J.

TALWANT SINGH, J.

SEPTEMBER 27, 2019

pa