

28.06.2024

Ct. 23

D/L 43

ab

**IN THE HIGH COURT AT CALCUTTA
CONSTITUTIONAL WRIT JURISDICTION
APPELLATE SIDE**

WPA 11924 of 2024

**Basanti Ghosh
-Vs-
Union of India & Ors.**

Mr. S. N. Biswas

.... for the petitioner

Ms. Rashmi Bothra,
Ms. Pinky Ghosh

... for the Union of India

On perusal of the writ petition, it appears that the mother of a defence personnel, who had died on 13th November, 2020, is the petitioner and is seeking for division of pension amount amongst herself and her daughter-in-law. This Court lacks the jurisdiction to receive, try and determine the writ petition as the appropriate forum is the Armed Forces Tribunal constituted under the Armed Forces Tribunal Act, 2007.

The writ petition is allowed to be withdrawn with liberty to file fresh on the self-same cause before the appropriate forum. The time spent between 25th April, 2024 being the date of filing of the writ petition and till date, shall be construed to have been proceeded with in bona fide manner before a Court without jurisdiction.

(Arindam Mukherjee, J.)

