



2026:JKLHC-JMU:938-DB

Serial No. 39

**HIGH COURT OF JAMMU & KASHMIR AND LADAKH**  
**AT JAMMU**

**WP(C) No. 1857/2024**

Date of pronouncement: 01.04.2026

Date of uploading: 02.04.2026

**Arfat Hussain**, No. 9118801M Nk,  
Aged 28 years, S/o Abdul Rehman, R/o  
Village Dodaj, PO Dodaj, Tehsil Darhal  
& District Rajouri, J&K, UT-185135.

.....Appellant(s)/Petitioner(s)

Through: Mr. Intikhab H. Shah, Advocate

**vs**

1. **Union of India**, th Secy. of Defence South  
Block, New Delhi-110011.

..... Respondent(s)

2. The Chief of the Army Staff, IHQ of MoD  
(Army), SenaBhawan, New Delhi-110011.

3. Commander, 2<sup>nd</sup> JAKLI, Sherwani, Solan,  
Himachal Pardesh C/o 56 APO

4. Records, The JAKLI, PIN-911097 C/o 56  
APO

5. Umefatimayousuf Khan D/o Yousuf Khan  
R/o Room No. 11, Nisha House, Chawl  
No. 1, Mahakali Caves Road, Andheri  
East, Mumbai-400093.

Through: Mr. Vishal Sharma, DSGI with  
Mr. Eishaan Dadhichi, CGSCs

**CORAM: HON'BLE MR. JUSTICE SANJEEV KUMAR, JUDGE**  
**HON'BLE MR. JUSTICE SANJAY PARIHAR, JUDGE**

**ORDER (ORAL)**

**01.04.2026**

**Sanjeev Kumar 'J'**

1. Impugned in this petition is an order dated 22.04.2024 passed by the Armed Forces Tribunal, Regional Bench Srinagar, at Jammu [“**the Tribunal**”] in OA No. 58/2024 titled “*Nk Arfat Hussain Vs. Union of*



*India and others*”, whereby the Tribunal has held the OA filed by the petitioner premature on the ground that a final decision in the matter of grant of maintenance is yet to be taken by the Army Authorities.

2. Having heard learned counsel for the parties and perused the material available on record, we are of the considered view that the order impugned passed by the Tribunal does not suffer from any legal infirmity, calling for any interference by us in these proceedings under Article 226 of the Constitution of India.
3. Admittedly, the petitioner has been put on show-cause notice by the Army Authority on an application dated 26.09.2022, filed by respondent No. 5 for maintenance. The petitioner has also submitted his reply to the said application and has even disputed that respondent No. 5 is his legally wedded wife. The petitioner has claimed that he has divorced respondent No. 5. The reply submitted by the petitioner is under consideration of the Army Authorities and a final decision thereon is yet to be made. In that view of the matter, the OA was premature and has been rightly dismissed as such.
4. We find no merit in this petition and the same is, accordingly, ***dismissed.***
5. We, however, direct the Army Authorities to take a final decision in the matter having regard to the reply submitted by the petitioner to the show-cause notice dated 02.02.2024 on an application dated 26.09.2022, moved by respondent No. 5 before the Army Authorities. The deduction/payment of maintenance to the respondent No. 5 shall



depend upon the decision that will be taken by the Army Authorities  
in terms of this order.

**(Sanjay Parihar)**  
**Judge**

**(Sanjeev Kumar)**  
**Judge**

**Jammu**  
01.04.2026  
Vishal Sharma

Whether the order is reportable? Yes/No

Whether the order is speaking? Yes/No

