

**IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH**

103

CWP-17154-2022 (O&M)

Date of Decision : October 28, 2025

POONAM DEVI

-PETITIONER

V/S

THE PRESIDING OFFICER/DISTRICT MAGISTRATE AND ORS.

-RESPONDENTS

CORAM: HON'BLE MR. JUSTICE KULDEEP TIWARI

Present: Mr. Deepamm Raghava, Advocate
for the petitioner.

Mr. Sushil Bhardwaj, Addl. A.G., Haryana.

Mr. Divyam Singh, Advocate
for the respondent No.2.

KULDEEP TIWARI, J. (ORAL)

1. The petitioner, who is daughter-in-law of the respondent No.2, has filed the instant writ petition seeking quashing of the order dated 30.03.2022, whereby the District Magistrate, Gurugram, on an application filed by the respondent No.2 under the Haryana Maintenance of Parents and Senior Citizens Rules, 2009 (hereinafter referred to as “the Rules of 2009”) and the Maintenance and Welfare of Parents and Senior Citizens Act, 2007 (hereinafter referred to as “the Act of 2007”), directed the petitioner and her husband/respondent No.3 to vacate the house in question.

2. The principal contention advanced by learned counsel for the petitioner is that the District Magistrate erred in entertaining the application (*supra*), inasmuch as the Rules of 2009 and the Act of 2007 confer upon him the jurisdiction of the Appellate Tribunal/Authority, and,

in fact, the application (*supra*) ought to have been filed before the Sub-Divisional Magistrate-cum-Maintenance Tribunal. Consequently, the impugned order warrants interference on this ground alone.

3. Although learned counsel for the petitioner advanced arguments on merits as well, this Court, at this stage, is not dealing with the merits of the matter, as the principal submission of the petitioner carries substance.

4. Learned State counsel and learned counsel for the respondent No.2 are also *ad idem* that the respondent No.2 ought to have filed the application (*supra*) before the Sub-Divisional Magistrate-cum-Maintenance Tribunal constituted under the Rules of 2009 and the Act of 2007.

5. In view of the above, the **impugned order is set aside** and the District Magistrate, Gurugram, is directed to, on receipt of a certified copy of this order, forthwith transfer the original application (*supra*) to the Sub-Divisional Magistrate-cum-Maintenance Tribunal, who shall on receipt thereof, make a fresh decision but only after due compliance with the provisions of the Rules of 2009 and the Act of 2007, including the grant of a fair opportunity of hearing to all parties concerned. The parties are directed to appear before the Maintenance Tribunal on 26.11.2025.

6. **Disposed of accordingly.**

7. Pending application also stands disposed of accordingly.

October 28, 2025
devinder

(KULDEEP TIWARI)
JUDGE

Whether speaking/reasoned	:	Yes/No
Whether Reportable	:	Yes/No