



IN THE HIGH COURT OF PUNJAB AND HARYANA AT  
CHANDIGARH

217

CWP-2710-2025

Date of decision: 27.04.2026

BALKAR SINGH

.... Petitioner

Vs.

DISTRICT MAGISTRATE CUM CHAIRMAN AND OTHERS

.... Respondents

CORAM: HON'BLE MR. JUSTICE KULDEEP TIWARI

Present: Mr. Lajpat Rai Sharma, Advocate,  
for the petitioner.

Mr. Kapil Bansal, D.A.G. Haryana  
for respondents no.1 and 2.

None for respondent No.3 to 6.

**KULDEEP TIWARI, J (Oral)**

1. There is no representation on behalf of learned counsel for respondents no.3 to 6, today in Court.
2. At this stage, learned counsel for the petitioner submits that the order dated 09.05.2024 (Annexure P-5), passed by the SDM-Tribunal, Panipat (respondent no.2), as well as the order dated 13.12.2024 (Annexure P-7), passed by the Appellate Tribunal (respondent no.1), to submit that the said orders are illegal being *coram non judice*.
3. To substantiate his submission, he placed reliance upon notification No.1041-SW(4)-2020, dated 08.12.2020, which notifies the composition of the Appellate Tribunal, Jhajjar. The relevant portion is extracted herein below:-

***“No. 1041-SW(4)-2020.— In continuation of the Haryana Government Notification No. 1373-SW(4)-2016, dated 17.11.2016, the Governor of the Haryana is pleased to reconstitute the three Member (One Official Member and Two Non-Official Members) Maintenance Tribunal/Appellate Tribunal at the following Sub-Divisional level and District***



*level under the Chairmanship of each Sub-Divisional Magistrate and District Magistrate respectively within their respective jurisdiction as per provisions of Section-7 and 15 of the Maintenance and Welfare of Parents and Senior Citizen Act, 2007 and further nominate the other two Non-Official Members of both the Tribunals. The tenure of the Non-Official Members shall be three years from date of joining and both the Tribunals will perform duties/functions as per the provisions of the Maintenance and Welfare of Parents and Senior Citizens Act, 2007 read with Haryana Maintenance of Parents and Senior Citizens Rules, 2009.*

| Appellate Tribunal, Panipat   |                                                                                                                                      |                     |
|-------------------------------|--------------------------------------------------------------------------------------------------------------------------------------|---------------------|
| 1                             | Deputy Commissioner                                                                                                                  | Chairman            |
| 2                             | Sh. Sudarshan Gandhi<br>Varisht Nagarik Kalyan Samiti, Sabzi Mandi,<br>Near Geeta<br>Vidya Mandir School, Panipat<br>9812221265      | Non-Official Member |
| 3                             | Sh. Satbir (Advocate)<br>Village Rajakhedi, Panipat<br>9255101209                                                                    | Non-Official Member |
| Maintenance Tribunal, Panipat |                                                                                                                                      |                     |
| 1                             | Sub Divisional Magistrate                                                                                                            | Chairman            |
| 2                             | Sh. O.P. Chugh<br>President, Varisht Nagarik Kalyan Samiti,<br>Sabzi Mandi,<br>Near Geeta Vidya Mandir School, Panipat<br>9813280069 | Non-Official Member |
| 3                             | Sh. Umesh Kumar (Advocate)<br>Village Jhtipur, Teh. Samalka, Distt. Panipat<br>7206260379                                            | Non-Official Member |

4. It is submitted that in terms of the notification (*supra*), both the Maintenance Tribunal and the Appellate Tribunal are required to comprise of three members, with the Sub-Divisional Magistrate and the Deputy Commissioner/District Magistrate acting as their respective Chairman.
5. This Court has examined the both orders as impugned herein, and finds that it suffers from illegality on account of *coram non judice*, and such a defect cannot be cured even by this Court. Therefore, the same are **set aside**. The *lis* is **remanded** to the learned Maintenance Tribunal concerned,



for a fresh decision after affording the parties an opportunity of hearing. Both parties are directed to appear before the learned Appellate Tribunal concerned on 12.05.2026 at 11.00 AM.

6. It is expected that the appeal shall be heard and decided by the complete notified *coram*, as per the notification (*supra*), as issued by the Government of Haryana.

7. **Disposed of** accordingly.

8. All pending application(s), if any, also stand **disposed** of accordingly.

(KULDEEP TIWARI)  
JUDGE

27.04.2026  
*dharamvir*

|                           |   |        |
|---------------------------|---|--------|
| Whether speaking/reasoned | : | Yes/No |
| Whether reportable        | : | Yes/No |