



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

208

CWP-2925-2024 (O&M)

Date of decision:19.03.2026

ANITA AND ANOTHER

....Petitioners

Versus

**COMMISSIONER AND CHAIRMAN, MAINTENANCE AND
WELFARE OF PARENTS AND OTHERS**

....Respondents

CORAM: HON'BLE MR. JUSTICE KULDEEP TIWARI

Present: Mr. Munish Kumar Garg, Advocate and
Mr. Tanuj Goyal, Advocate,
for the petitioners.

Mr. Bhupender Singh, Addl.AG, Haryana.

Mr. Vishesh Sharma, Advocate,
for respondent no.3.

KULDEEP TIWARI, J. (Oral)

1. Through the instant writ petition, the petitioners seek to set aside the order dated 29.11.2023 (Annexure P-13) passed by the Appellate Tribunal (respondent no.1), whereby the statutory appeal filed by the petitioners against the order dated 12.01.2023 (Annexure P-7), was dismissed.

2. Succinctly stated, respondent No.3-senior citizen filed an application under the provisions of Sections 22 and 59 read with Section 24 of the Maintenance and Welfare of Parents and Senior Citizens Act, 2007 (hereinafter referred to as “the Act of 2007”) before the Maintenance Tribunal, seeking protection of life and property. The Maintenance Tribunal allowed the application vide order dated 12.01.2023 (Annexure P-7) and can-



celled the Transfer Deeds No.1979 dated 17.09.2020 and 2035 dated 21.09.2020. Aggrieved thereby, petitioners filed a statutory appeal before the Appellate Tribunal, which was dismissed vide order dated 29.11.2023 (Annexure P-13).

3. At the outset, learned counsel for the petitioners draws the attention of this Court to a notification dated 08.12.2020, prescribing the composition of the Maintenance Tribunals and Appellate Tribunals, to submit that the impugned order dated 29.11.2023 (Annexure P-13) suffers from illegality, having been passed *coram non judice*. It is submitted that under the notification (*supra*), both the Maintenance Tribunal and the Appellate Tribunal are required to comprise three members, with the Sub-Divisional Magistrate and the Deputy Commissioner/District Magistrate acting as their respective Chairmen. The relevant portion of the notification (*supra*), 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.

<i>Appellate Tribunal, Jind</i>		
<i>1</i>	<i>Deputy Commissioner</i>	<i>Chairman</i>
<i>2</i>	<i>Sh. Balbir Singh Dhull #1236, U/E, Jind 9896821525</i>	<i>Non-Official Member</i>
<i>3</i>	<i>Sh. Pritam Singh (Retd.AP) #2122 U/E Jind 9996971992</i>	<i>Non-Official Member</i>
<i>Maintenance Tribunal, Jind</i>		
<i>1</i>	<i>Sub Divisional Magistrate</i>	<i>Chairman</i>
<i>2</i>	<i>Sh. Subhash Chand S/o Ram Sharan #140/19 Jain Nagar, Jind 9416485559</i>	<i>Non-Official Member</i>
<i>3</i>	<i>Sh. Surender Dhawan S/o Shankar Das #124/19 Jain Nagar, Jind 9255415991</i>	<i>Non-Official Member</i>

4. In the present case, however, the impugned order dated 29.11.2023 (Annexure P-13) was passed solely by the Deputy Commissioner and Chairman, Maintenance Welfare of Parents and Senior Citizens Appellate Tribunal, thereby lacking the mandated *coram*. In support of this contention, reliance is placed on the judgment dated 26.10.2016 rendered by a Coordinate Bench of this Court in CWP No.18784 of 2015, the relevant paragraph whereof is extracted hereunder:-

“I have heard learned counsel for the parties and perused the record with able assistance and am of the considered opinion that the impugned order passed by the Appellate Authority is patently without jurisdiction because as per the Scheme of the Act, the Tribunal and the Appellate Tribunal are constituted by the State Government by way of notification and the appeal has to be decided by the duly constituted Tribunal. In the present case, notification dated 10.12.2012 has been relied upon to which there is no contrary notification produced before this Court. In this notification, the Tribunal has been specifically constituted for Kurukshetra in which there are three Members. District Magistrate may be the Chairman of the Tribunal but



once there is a Tribunal of three Members, the District Magistrate has no jurisdiction to take decision alone and the decision has to be taken unanimously or by way of majority. Therefore, on this ground alone, the impugned order deserves to be set aside and thus the present writ petition is hereby allowed and impugned order is set aside and the matter is remanded back to the Tribunal constituted as per notification dated 10.12.2012 to decide the matter afresh after affording due opportunity of hearing to both the parties and by passing a reasoned order.”

5. Although learned State counsel and learned counsel for respondent no.3 do not dispute that the impugned order dated 29.11.2023 (Annexure P-13) is vitiated as it has been passed *coram non judice*, learned counsel for respondent no.3 submits that the order dated 12.01.2023 (Annexure P-7) passed by the Maintenance Tribunal is similarly vitiated, having been passed solely by the Sub-Divisional Magistrate, without the prescribed *coram*.

6. Having considered the submissions of learned counsel for the parties and perused the record, this Court finds that the orders dated 12.01.2023 and 29.11.2023 were passed by authorities lacking jurisdiction and lawful *coram*. Consequently, both orders are a nullity in the eyes of law and cannot be sustained.

7. Accordingly, the orders dated 12.01.2023 and 29.11.2023 passed respectively by the Maintenance Tribunal and the Appellate Tribunal are hereby **set aside**, having been passed in the absence of the *coram* mandated by the notification (*supra*). The matter is remanded to the Maintenance Tribunal concerned for fresh adjudication in accordance with the provisions of the Act of 2007 and the relevant Rules framed thereunder. The parties shall cause appearance before the Maintenance Tribunal on 02.04.2026, whereupon the latter shall endeavour to decide



the matter expeditiously, after affording adequate opportunity of hearing to all parties concerned.

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

(KULDEEP TIWARI)
JUDGE

19.03.2026
dharamvir

Whether speaking/reasoned	Yes
Whether reportable	Yes/No