



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

CWP-3195-2025 (O&M)
Date of decision: 23.04.2026

Chander Parkash

....Petitioner

Versus

Deputy Commissioner Cum Appellate Tribunal, Nuh, and others

....Respondents

CORAM: HON'BLE MR. JUSTICE KULDEEP TIWARI

Present: Mr. Deepak Grover, Advocate,
for the petitioner.

Mr. Kapil Bansal, DAG, Haryana.

Mr. Saleem Ahmed, Advocate,
for respondent No.3.

KULDEEP TIWARI, J. (Oral)

1) The instant writ petition, filed under Articles 226/227 of the Constitution of India, is directed against the order dated 10.05.2023 (Annexure P-3), passed by the learned Maintenance Tribunal, constituted under the Maintenance and Welfare of Parents and Senior Citizens Act, 2007 (for short, 'the Act'), vide which, application, under Section 23 preferred by the senior citizen-respondent No.3 was allowed. Further, the order dated 28.03.2024 (Annexure P-4), is also assailed, whereby, the appeal preferred by the petitioner against the order (supra), has been dismissed by learned Appellate Tribunal.

2) Before proceeding further, it would be apposite to refer to the order dated 05.02.2025, passed by the Coordinate Bench:-

“Learned counsel for the petitioner submits that the coram required for the Tribunal for passing of order under Maintenance and Welfare of Parents and Senior Citizens Act, 2007 was not as per the rules governing the said aspect hence, the order passed by the Tribunal is



liable to be set aside and should be decided by a coram which is necessary for passing of the order under 2007 Act.

Notice of motion for 07.05.2025.

3) In furtherance, learned counsel for the petitioner submits that in view of the notification dated 08.12.2020, prescribing the composition of the Maintenance Tribunals and Appellate Tribunals, the order dated 28.03.2024 (Annexure P-4) is void being *coram non judice*. 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:-

“Notification

The 8th December, 2020

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...”

4) However, in the present case, the order (*supra*) was passed solely by the Deputy Commissioner-cum-Chairman, Appellate Tribunal.



5) In response, learned counsel for the State as well as respondents No.3, do not refute the abovesaid factual aspect of the matter.

6) Having heard learned counsel for the parties, this Court, in view of the abovesaid position, has no other option, but to set aside the order passed by the Appellate Tribunal, being *coram non judice*.

7) Accordingly, the impugned order dated 28.03.2024 (Annexure P-4) is hereby set aside, having been passed by the Appellate Tribunal in the absence of the coram mandated by the notification (*supra*). The matter is remanded to the Appellate Tribunal concerned for fresh adjudication in accordance with the provisions of the Act of 2007 and the relevant Rules framed thereunder.

8) The parties shall appear before the Maintenance Tribunal on 18.05.2026. Further, the Appellate Tribunal shall make every endeavour to decide the matter within four months from the date of receipt of a certified copy of this order, after affording adequate opportunity of hearing to all parties concerned.

9) Consequently, the instant writ petition is **disposed of**.

(KULDEEP TIWARI)
JUDGE

23.04.2026
Ak Sharma

Whether speaking/reasoned	Yes
Whether reportable	Yes/No