



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

CWP-3907-2025 (O&M)

Date of decision: 23.04.2026

Poonam Yadav

....Petitioner

Versus

Deputy Commissioner-cum-Chairman, Maintenance Appellate Tribunal,
Rewari and another

....Respondents

CORAM: HON'BLE MR. JUSTICE KULDEEP TIWARI

Present: Ms. Poorvi Sharma, Advocate, for
Mr. Manish Soni, Advocate,
for the petitioner.

Mr. Kapil Bansal, DAG, Haryana.

Mr. Jitender Dhanda, Advocate,
for respondent No.2.

KULDEEP TIWARI, J. (Oral)

1) The instant writ petition, filed under Articles 226/227 of the Constitution of India, assails the order dated 10.04.2023 (Annexure P-3), whereby, the learned Maintenance Tribunal allowed the application preferred by the senior citizen-respondent No.2, under Section 23 of the Maintenance and Welfare of Parents and Senior Citizens Act, 2007 (for short, 'the Act of 2007'), for cancellation of gift deed/vasika No.7217 dated 30.01.2019, which was executed in favour of the petitioner. Further, order dated 11.12.2024 (Annexure P-5), is also impugned, wherethrough, the appeal preferred by the petitioner against the order (supra), has been dismissed

2) At the outset, learned counsel for the petitioner, as also the State counsel are *ad idem* that in view of the notification No.1041-SW(4)-



2020, dated 08.12.2020, prescribing the composition of the Maintenance Tribunals and Appellate Tribunals, the impugned order dated 11.12.2024 (Annexure P-5) 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...”

3) However, in the matter at hand, the order dated 11.12.2024 (Annexure P-5), has been passed solely by the Deputy Commissioner-cum-Chairman, Maintenance Appellate Tribunal, Rewari, thereby lacking the mandatory coram.

4) In response, learned counsel for the respondent-senior



citizen does not refute the abovesaid factual aspect of the matter.

5) 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 dated 11.12.2024 (Annexure P-5), being *coram non judice*.

6) Accordingly, the order dated 11.12.2024 (Annexure P-5), is set aside, and the instant *lis* is remitted to learned Appellate Tribunal, Rewari, headed by Deputy Commissioner, to decide the same afresh, in accordance with the notification (*supra*), issued by the Government of Haryana.

7) The parties are directed to cause appearance before the learned Appellate Tribunal, Bhiwani, on 18.05.2026, whereupon, the latter shall decide the matter, after due compliance of the provisions of the Act of 2007, and the apposite Rules, including the grant of a fair opportunity of hearing to all the parties concerned, within a period of three months from the receipt of a certified copy of this order. It is also expected that the matter (*supra*), shall be decided on its own merits, without being influenced by the observations already recorded.

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

(KULDEEP TIWARI)
JUDGE

23.04.2026
Ak Sharma

Whether speaking/reasoned	Yes
Whether reportable	Yes/No