



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

203

CWP-4121-2025**Date of decision: 15.05.2026****KRISHAN KUMAR**

.... Petitioner

Vs.**DEPUTY COMMISSIONER CUM APPELLATE TRIBUNAL AND
OTHERS**

.... Respondents

CORAM: HON'BLE MR. JUSTICE KULDEEP TIWARI

Present: Mr. Ankur Goyat, Advocate,
for the petitioner.

Mr. Kapil Bansal, D.A.G. Haryana.

Ms. Meena, Advocate, for
Mr. Shamsheer Singh, 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 28.11.2024 (Annexure P-5), passed by the learned Deputy Commissioner, Bhiwani, whereby, the appeal filed by respondent no.3 (senior citizen), under Section 16 of the Maintenance and Welfare of Parents and Senior Citizens Act, 2007 (for short, 'the Act of 2007'), was accepted, and the order dated 06.02.2024 (Annexure P-3), passed by the SDM, Bhiwani, was set aside.

2. Learned counsel for the petitioner submits 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 orders are void being '*coram non judice*'. 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, Bhiwani		
1	Deputy Commissioner	Chairman
2	Sh. Vijay Shekhawat S/o Sh. Bhagwat Singh, Pilani Road, Loharu 9466546948, 8607146948	Non-Official Member
3	Sh. Kender Mani S/o Sh. Bhopal Singh, House No. 16, Sector-23, Bhiwani 9466353571	Non-Official Member
Maintenance Tribunal, Bhiwani		
1	Sub Divisional Magistrate	Chairman
2	Sh. Kamal Kishor Bandhu S/o Sh. Banarsi Das, Dadri Gate, Bhiwani 9812120044	Non-Official Member
3	Smt. Uma Agarwal (Advocate) D/o Sh. Madhav Agarwal, Bichala Bazar, Bhiwani 9215532034	Non-Official Member

3. 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. In the present case, however, the impugned order and the order dated 06.02.2024, were passed solely by the Deputy Commissioner, Bhiwani, and the Sub Divisional Magistrate, respectively, and thereby lacking the mandatory *coram*.

4. On the other hand, learned State counsel and learned counsel



for the contesting respondent no.3, fairly concede that the impugned order as well as order dated 06.02.2024, suffers from '*coram non judice*'.

5. In view of the notification (*supra*), and the admission made by the learned counsel opposite, this Court finds that the impugned order as well as order dated 06.02.2024 (Annexure P-3), are void, being '*coram non judice*', and 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.

6. Both the parties are directed to appear before the learned Maintenance Tribunal concerned on 29.04.2026 at 11.00 AM. It is expected that the application shall be heard and decided by the complete *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

15.05.2026
dharamvir

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