



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

CWP-6223-2026 (O&M)

Date of decision: 02.04.2026

Harshita Jain

....Petitioner

Versus

Deputy Commissioner, Rohtak-cum-Appellate Tribunal, District Rohtak
and others

....Respondents

CWP-9819-2026

Jagwanti

....Petitioner

Versus

Deputy Commissioner Rohtak Exercising the Powers of Appellate
Tribunal District Rohtak, and others

....Respondents

CORAM: HON'BLE MR. JUSTICE KULDEEP TIWARI

Present: Mr. D.K. Tuteja, Advocate, and
Mr. Ravinder Bindra, Advocate,
for the petitioners in CWP-6223-2026 &
for respondent No.4 in CWP-9819-2026.

Mr. Mohinder Singh Kathuria, Advocate,
for the petitioner in CWP-9819-2026 &
for respondent No.4 in CWP-6223-2026.

Mr. Bhupender Singh, Addl. A.G., Haryana.

Mr. Rakesh Nehra, Senior Advocate, with
Ms. Bindu Tanwar, Advocate, for respondent No.3.

KULDEEP TIWARI, J. (Oral)

1) At the outset, learned counsel for the contesting parties are
ad idem that since both the petitions arise out of the same proceedings,
therefore, these are amenable for common decision. Accordingly, both
the cases are taken up together. However, for brevity, the facts are being
derived from **CWP-6223-2026**.



2) The instant writ petition, filed under Articles 226/227 of the Constitution of India, assails the order dated 31.10.2025 (Annexure P-1), vide which, the appeal preferred by the petitioner under Section 16 of the Maintenance and Welfare of Parents and Senior Citizens Act, 2007 (for short, 'the Act of 2007'), against the order dated 22.07.2024 (Annexure P-2), passed by the Maintenance Tribunal, has been adjourned *sine die* by the Deputy Commissioner, Rohtak, owing to pendency of the civil suit.

3) Learned counsel for the petitioner submits that evidently, the impugned order suffers from patent illegality, being *coram non judice*. In this regard, he refers to the notification No.0141-SW(4)-2020, dated 8.12.2020, issued by the State of Haryana, vide which, it has been mandated that 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. However, in the matter at hand, the order impugned has been passed by the Deputy Commissioner, in his individual capacity, thereby, lacking the mandatory *coram*. Not just that, mere pendency of a civil suit does not create any legal impediment for the Appellate Authority to decide the appeal preferred by the petitioner.

4) On the other hand, learned Senior counsel for respondent No.3, while vehemently opposing the abovesaid submissions, asserts that outcome of the civil suit would have a decisive bearing upon the appeal preferred by the petitioner. However, he fairly admits that the impugned order, indeed, suffers from the vice of *coram non judice*.

5) Having heard learned counsel for the parties, this Court is of the affirmed view that the Appellate Authority has grossly erred in law,



while adjourning the proceedings *sine die*, awaiting the decision of the civil suit. Rather, the Appellate Authority, in terms of the provisions of the Act of 2007, is obligated to adjudicate the validity of the order dated 22.07.2024 (Annexure P-2), passed by Maintenance Tribunal. So much so, the impugned order also fails on account of being passed *coram non judice*.

6) In the wake of the abovesaid conceded position, the impugned order does not withstand the test of judicial scrutiny, and thus, the same is set aside. As a consequence, and the instant *lis* is remitted to learned Appellate Tribunal, Rohtak, headed by Deputy Commissioner, to decide the same afresh.

7) The parties are directed to cause appearance before the learned Appellate Tribunal, Rohtak, on 22.04.2026, 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 four 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 petitions are **disposed of**.

9) A photocopy of this order be placed on the file of connected case.

(KULDEEP TIWARI)
JUDGE

02.04.2026
Ak Sharma

Whether speaking/reasoned	Yes
Whether reportable	Yes/No