

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CWP-7411-2025

Date of decision: 23.04.2026

ASHOK KUMAR AND ANR

.... Petitioners

Vs.

DISTRICT MAGISTRATE CUM APPELLATE AUTHORITY
ROHTAK AND OTHERS

.... Respondents

CORAM: HON'BLE MR. JUSTICE KULDEEP TIWARI

Present: None for the petitioners.

Mr. Bhupender Singh, Addl.AG, Haryana.

Mr. Sudhir Hooda, Advocate,
for respondent No.3.

KULDEEP TIWARI, J (Oral)

1. Through instant writ petition, filed under Articles 226/227 of the Constitution of India, a challenge is thrown to the order dated 04.12.2024 (Annexure P-4), passed by the District Magistrate-cum-Appellate Tribunal, Rohtak (respondent no.1), whereby, the order dated 25.04.2023 (Annexure P-3), passed by the Maintenance Tribunal-cum-SDM, Rohtak, has been set aside.

2. There is no representation on behalf of the petitioner, today in Court.

3. Learned State counsel 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, Rohtak		
1	Deputy Commissioner	Chairman
2	Sh. Ramchet Tayal, Advocate, Rohtak #801/22, Jhang Colony, Rohtak. 9416291306	Non-Official Member
3	Sh. Ram Narain Saini ,Rohtak 9466566168	Non-Official Member
Maintenance Tribunal, Rohtak		
1	Sub Divisional Magistrate	Chairman
2	Sh. Yogendra Shivay S/o Sh. Bhor Singh Shivay#1403/9, Babra Mohalla, Khaitan Gali, Rohtak.	Non-Official Member
3	Sh. Manohar Lal S/o Sh. Kartar Chand #745/23, DLF Colony, Rohtak.	Non-Official Member

4. It is submitted that in terms of 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 Chairman. In the present case, however, the impugned orders were passed solely by the Sub Divisional Magistrate, and District Magistrate, Jind, respectively, thereby lacking the mandatory *coram*.

Learned counsel for respondent no.3, also fairly concede that



the impugned orders suffers from ‘*coram non judice*’.

6. In view of the notification (*supra*) and the submission made by the learned State counsel and learned counsel for respondent no.3, this Court finds that the orders (*supra*) 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.

7. Both parties are directed to appear before the learned Maintenance Tribunal concerned on 15.05.2026 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.

8. **Disposed of** accordingly.

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

(KULDEEP TIWARI)
JUDGE

23.04.2026
dharamvir

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