



CWP-8242-2026

1

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

(210)

CWP-8242-2026

Date of Decision : 07.05.2026

Umed Singh

...Petitioner

Versus

The District Magistrate-cum-Appellate Tribunal and others

...Respondents

CORAM: HON'BLE MR. JUSTICE KULDEEP TIWARI

Present: Mr. Sandeep K. Sharma, Advocate
Mr. Ritesh Sharma, Advocate and
Mr. Lakshya Saini, Advocate
for the petitioner.

Mr. Bhupender Singh Addl. AG, Haryana.

Mr. Ramesh Hooda, Advocate
for respondents No.4 and 5.

KULDEEP TIWARI, J. (ORAL)

1. Vide instant writ petition, as cast under Articles 226/227 of the Constitution of India, the petitioner impugns the order dated 13.03.2025 (Annexure P-13), passed by learned Maintenance Tribunal cum Sub Divisional Magistrate, Rohtak, and order dated 19.12.2025 (Annexure P-15), passed by learned District Magistrate-cum-Appellate Tribunal, Rohtak.

2. In brief, the petitioner-senior citizen instituted an appeal, under Section 16 of the Maintenance and Welfare of Parents and Senior Citizens Act, 2007 (hereinafter referred to as "the Act of 2007") before the learned Appellate Tribunal, Rohtak.. However, upon consideration of the matter in issue, the

learned Appellate Tribunal has partially allowed the appeal, by passing the



CWP-8242-2026

2

impugned order, and modified the order dated 13.03.2025 (Annexure P-13), passed by learned Maintenance Tribunal, and enhanced the maintenance amount to Rs.10,000/- per month, which shall be paid by the private respondents.

3. At the outset, learned State counsel, as well as, learned counsel for respondents No.4 and 5, point out that the order dated 13.03.2025 (Annexure P-13), passed by learned Maintenance Tribunal cum Sub Divisional Magistrate, Rohtak, and order dated 19.12.2025 (Annexure P-15), passed by learned District Magistrate-cum-Appellate Tribunal, Rohtak, were rendered by an authority inherently lacking statutory jurisdiction, and therefore, both the order(s) are liable to be set aside, on this ground alone. They submit that under the unequivocal scheme of the Act of 2007, an application preferred by a senior citizen, must be entertained and adjudicated exclusively by three-member Maintenance Tribunal. In this regard, they refer to a notification No.1041-SW(4)-2020, dated 08.12.2020, issued by the Social Justice and Empowerment Department, Government of Haryana. In such a situation, the impugned order is vitiated by a jurisdictional error, having been rendered *coram non judice*, and is therefore liable to be set aside.

4. Upon being confronted, learned counsel for petitioner does not dispute that the above said factual aspect of the matter. He fairly concedes that the application preferred by the senior citizen ought to have been adjudicated by three-member Maintenance Tribunal presided over by the Sub-Divisional Magistrate.

5. Besides the above explained incurable defect, the impugned order(s) are *void* being *coram non judice*, as passed by the authorities, in their individual capacity. In this regard, learned State counsel submits that in view of the notification (supra), both the Maintenance Tribunal and the Appellate



CWP-8242-2026

3

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...”

7. In view of the notification (supra), both the Maintenance Tribunal and the Appellate Tribunal are required to comprise of three members, with Sub-Divisional Magistrate and the Deputy Commissioner/District Magistrate, acting as their respective Chairman. In such a situation, the order(s) impugned are vitiated by a jurisdictional error, having been rendered *coram non judice*, and are therefore liable to be set aside.

8. In summa, the impugned order dated 13.03.2025 (Annexure P-13), passed by learned Maintenance Tribunal cum Sub Divisional Magistrate, Rohtak, and order dated 19.12.2025 (Annexure P-15), passed by learned District Magistrate-cum-Appellate Tribunal, Rohtak, are, hereby **set aside**, and the

matter is **remitted** for fresh adjudication, in accordance with law. The parties are



directed to cause appearance before the Sub-Divisional Magistrate, Rohtak, on 25.05.2026, 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. Further, the parties shall be at liberty to raise all possible pleas, before the Maintenance Tribunal, which shall consider and deal therewith, before passing an appropriate order.

9. Given the age of the petitioner, the learned Maintenance Tribunal is directed to conclusively decide the matter, without being influenced or prejudiced, in any manner, by the order dated 19.12.2025 (Annexure P-15), within a period of four months from the date of receipt of certified copy of this order.

10. Consequently, the instant writ petition is **disposed of**.

(KULDEEP TIWARI)
JUDGE

May 07, 2026
Manpreet

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