



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

213

CWP-7826-2023

Date of decision: 07.04.2026

VEER BHAN

.... Petitioner

Vs.

**APPELLATE TRIBUNAL CUM DEPUTY COMMISSIONER AND
OTHERS**

.... Respondents

CORAM: HON'BLE MR. JUSTICE KULDEEP TIWARI

Present: Mr. S.P. Arora, Advocate
Mr. Himanshu Arora, Advocate and
Ms. Muskan, Advocate,
for the petitioner.

Mr. Bhupender Singh, Addl.AG, Haryana.

Mr. Vikram Sheoran, Advocate and
Mr. Neeraj Mann, Advocate,
for respondent No.2.

Mr. Manjeet Singh, Advocate,
for contesting respondent no.3.

KULDEEP TIWARI, J (Oral)

1. Through the instant petition, as cast under Article 226/227 of the Constitution of India, the petitioner-senior citizen challenges the order dated 17.02.2023 (Annexure P-2), passed by the learned Appellate Tribunal-cum-Deputy Commissioner, Rohtak (respondent no.1), whereby the appeal preferred against the order dated 17.01.2022 (Annexure P-1), of the Chairman, Maintenance Tribunal-cum-Sub Divisional Magistrate, Rohtak, has been allowed.

2. Learned counsel for the petitioner-senior citizen 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



order dated 17.01.2022 (Annexure P-1), is 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

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 order dated 27.01.2022 (Annexure P-1) was passed solely by the Sub Divisional Magistrate, Rohtak, 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 order dated 17.01.2022 (Annexure P-1) passed by the learned Maintenance Tribunal, suffers from '*coram non judice*'. This fact has not been examined by the learned Appellate Authority concerned. Therefore, the appellate order 17.02.2023, is also needs to be interfered with.

5. In view of the notification (*supra*), and the admission made by the learned State counsel, as well as learned counsel for the contesting respondent no.3, this Court finds that the order 17.01.2022 (Annexure P-1) passed by the learned Maintenance Tribunal, is void, being '*coram non judice*', and therefore, the same is **set aside**. Consequently, the order dated 17.02.2023 (Annexure P-2) passed by the learned Appellate Tribunal, is also set aside. The *lis* is remanded to the learned Maintenance Tribunal concerned, for a fresh decision, after affording an opportunity of hearing to all the parties concerned. All the parties are directed to appear before the learned Maintenance Tribunal concerned on 30.04.2026 at 11.00 AM. Since respondent no.3 was not a party before the learned Tribunal, therefore, he is at liberty to cause appearance and to defend the said application as preferred by senior citizen.



6. 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. Since this matter is pending since 2020, therefore, the learned Maintenance Tribunal, directed to decide the *lis* afresh within a period of four months, from the date of receipt of a certified copy of this order.

8. **Disposed of** accordingly.

(KULDEEP TIWARI)
JUDGE

April 07, 2026
dharamvir

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