



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

CWP-11890-2021 (O&M)

Date of decision: 05.05.2026

Radha Rani

....Petitioner

Versus

State of Haryana and others

....Respondents

CORAM: HON'BLE MR. JUSTICE KULDEEP TIWARI

Present: Mr. Ram Bilas Gupta, Advocate,
for the petitioner.

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

Mr. N.P.Singh, Advocate,
for respondent No.5.

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 07.04.2021 (Annexure P-14), passed by the learned Maintenance Tribunal, constituted under the Maintenance and Welfare of Parents and Senior Citizens Act, 2007, vide which, application preferred by the senior citizen-respondent No.5 (mother-in-law) was allowed. Further, the order dated 22.04.2021 (Annexure P-15), is also assailed, vide which, the appeal preferred by the petitioner against the order (*supra*), has been dismissed by learned Appellate Tribunal.

2) Learned State counsel, at the very outset, submits that in view of the notification dated 08.12.2020, prescribing the composition of the Maintenance Tribunals and Appellate Tribunals, the order dated 07.04.2021 (Annexure P-14), is void being *coram non judice*. 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 07.4.2021 (Annexure P-14), was passed solely by the Sub Divisional Magistrate, Faridabad, thereby lacking the mandatory coram:-

“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... ”

3) In response, learned counsel for the private respondent does not refute the abovesaid factual aspect of the matter.

4) Having heard learned counsel for the parties, this Court, in view of the abovesaid position, has no other option, but to set aside the order (*supra*), being *coram non judice*.

5) Accordingly, the impugned order dated 07.04.2021 (Annexure P-14) is hereby set aside, having been passed by the Maintenance Tribunal in the absence of the coram mandated by the notification (*supra*). As a result, the consequent order dated 22.4.2021 (Annexure P-15), vide which, the Appellate Tribunal has dismissed the appeal preferred by the petitioner, being not maintainable, is also set aside. The matter is remanded to the Maintenance Tribunal concerned for fresh adjudication in accordance with the provisions of the Act of 2007



and the relevant Rules framed thereunder. The parties shall appear before the Maintenance Tribunal on 08.06.2026.

- 6) Considering the age of the senior citizen, and that the proceedings have been pending since 2021, this Court directs the Maintenance Tribunal to make every endeavour to decide the matter within four months from the date of receipt of a certified copy of this order, after affording adequate opportunity of hearing to all parties concerned. It is made clear that, in the meanwhile, no third party rights shall be created as regards the property in question.
- 7) Consequently, the instant writ petition, alongwith the pending application, if any, stands **disposed of**.

(KULDEEP TIWARI)
JUDGE

05.05.2026
Ak Sharma

Whether speaking/reasoned	Yes
Whether reportable	Yes/No