

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

105

CWP-12043-2026

Date of Decision : May 19, 2026

SANJAY KATYAL

-PETITIONER

V/S

STATE OF HARYANA AND OTHERS

-RESPONDENTS

CORAM: HON'BLE MR. JUSTICE KULDEEP TIWARI

Present: Mr. Manvinder Sidhu, Advocate
for the petitioner.

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

Mr. Akashdeep Singh, Advocate
for the respondent No.4.

KULDEEP TIWARI, J. (ORAL)

1. Through the instant writ petition, the petitioner impugns the orders dated 17.11.2020 and 30.11.2022, passed respectively by the Maintenance Tribunal and the Appellate Tribunal.

2. Succinctly stated, respondent No.4 instituted an application under the provisions of the Maintenance and Welfare of Parents and Senior Citizens Act, 2007 (hereinafter referred to as 'the Act of 2007') before the Maintenance Tribunal, seeking maintenance as well as cancellation of the transfer deeds dated 01.06.2018 executed in favour of the petitioner. Vide order dated 17.11.2020, the Maintenance Tribunal allowed the application and directed cancellation of the transfer deeds. Aggrieved thereby, the petitioner preferred a statutory appeal before the Appellate Tribunal, which was dismissed vide order dated 30.11.2022. Thus, having remained unsuccessful before the Appellate Tribunal, the petitioner has approached this Court assailing the orders (*supra*).

3. At the outset, learned counsel for the petitioner draws the

attention of this Court to Haryana Government's notification dated 17.11.2016, prescribing the composition of the Maintenance Tribunals and Appellate Tribunals, to submit that the impugned order dated 17.11.2020 suffers from illegality, having been passed *coram non judice*. It is submitted that under 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 Chairmen. In the present case, however, the impugned order dated 17.11.2020 was passed solely by the Sub-Divisional Magistrate. Therefore, the said order was rendered without the mandated coram, rendering it illegal and without jurisdiction. In support of this contention, reliance is placed on the ***judgment dated 26.10.2016*** rendered by a Coordinate Bench of this Court in ***CWP No.18784 of 2015***, the relevant paragraph whereof is extracted hereunder:

"I have heard learned counsel for the parties and perused the record with able assistance and am of the considered opinion that the impugned order passed by the Appellate Authority is patently without jurisdiction because as per the Scheme of the Act, the Tribunal and the Appellate Tribunal are constituted by the State Government by way of notification and the appeal has to be decided by the duly constituted Tribunal. In the present case, notification dated 10.12.2012 has been relied upon to which there is no contrary notification produced before this Court. In this notification, the Tribunal has been specifically constituted for Kurukshetra in which there are three Members. District Magistrate may be the Chairman of the Tribunal but once there is a Tribunal of three Members, the District Magistrate has no jurisdiction to take decision alone and the decision has to be taken unanimously or by way of majority. Therefore, on this ground alone, the impugned order deserves to be set aside and thus the present writ petition is hereby allowed and impugned order is set aside and the matter is remanded back to the Tribunal constituted as per notification dated 10.12.2012 to decide

the matter afresh after affording due opportunity of hearing to both the parties and by passing a reasoned order.”

4. Learned State counsel and learned counsel for the respondent No.4 do not dispute that the impugned order dated 17.11.2020 is vitiated as it was passed *coram non judice*.

5. Having considered the submissions of learned counsel for the parties and perused the record, this Court finds that the order dated 17.11.2020 was passed by an authority lacking jurisdiction and lawful coram prescribed in the notification dated 17.11.2016. Consequently, the same is a nullity in the eyes of law and cannot be sustained.

6. Further, since the Appellate Tribunal overlooked the aforesaid infirmity that the order dated 17.11.2020 was vitiated having been passed *coram non judice*, and proceeded to dismiss the appeal, the appellate order is also unsustainable and deserves interference.

7. Accordingly, **the orders dated 17.11.2020 and 30.11.2022, passed respectively by the Maintenance Tribunal and the Appellate Tribunal, are hereby set aside.** The matter is remanded to the Maintenance Tribunal for fresh adjudication in accordance with the provisions of the Act of 2007. The parties shall cause appearance before the Maintenance Tribunal on 02.06.2026, whereupon the latter shall endeavour to decide the matter expeditiously, but after affording adequate opportunity of hearing to all parties concerned.

8. **Disposed of accordingly.**

May 19, 2026
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(KULDEEP TIWARI)
JUDGE

Whether speaking/reasoned	:	Yes/No
Whether Reportable	:	Yes/No