

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

105-2

CWP-14066-2026

Date of Decision : May 14, 2026

PREM SINGH

-PETITIONER

V/S

**THE DISTRICT MAGISTRATE CUM APPELLATE TRIBUNAL,
SONIPAT AND ANOTHER**

-RESPONDENTS

CORAM: HON'BLE MR. JUSTICE KULDEEP TIWARI

Present: Mr. Vineet Sehgal, Advocate
for the petitioner.

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

Mr. Arun Kumar Singal, Advocate
for the respondent No.2.

KULDEEP TIWARI, J. (ORAL)

1. Through the instant writ petition, the petitioner impugns the order dated 24.02.2026 passed by the Appellate Tribunal, whereby the statutory appeal filed by respondent No.2 was allowed, resulting in cancellation of the transfer deed dated 01.03.2023 and the consequential mutation.

2. Succinctly stated, respondent No.2 filed 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 cancellation of the transfer deed dated 01.03.2023 executed in favour of the petitioner as well as the consequential mutation. Vide order dated 19.06.2024, the Maintenance Tribunal, though did not cancel the transfer deed, directed the petitioner to pay a sum of

₹3,000/- per month towards maintenance to respondent No.2. Aggrieved by the non-cancellation of the transfer deed, respondent No.2 preferred a statutory appeal before the Appellate Tribunal, which was allowed vide the impugned order dated 24.02.2026, resulting in the setting aside of the order dated 19.06.2024 and cancellation of the transfer deed as well as the consequential mutation.

3. At the outset, learned counsel for the petitioner draws the attention of this Court to Haryana Government's notification dated 08.12.2020, prescribing the composition of the Maintenance Tribunals and Appellate Tribunals, to submit that the impugned order 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 was passed solely by the Deputy Commissioner. Therefore, the 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. Although learned State counsel and learned counsel for the respondent No.2 do not dispute that the impugned order dated 24.02.2026 is vitiated as it was passed *coram non judice*, learned counsel for the respondent No.2 submits that the order dated 19.06.2024 passed by the Maintenance Tribunal is similarly vitiated, having been passed solely by the Sub-Divisional Magistrate, without the prescribed coram.

5. Learned counsel for the respondent No.2, who is appearing under a memorandum of appearance instituted before this Court today, is directed to file a validly executed Vakalatnama in his favour before the Registry within 30 days from today.

6. Having considered the submissions of learned counsel for the parties and perused the record, this Court finds that the orders dated 19.06.2024 and 24.02.2026 have been passed by authorities lacking jurisdiction and lawful coram prescribed in the notification dated 08.12.2020. Consequently, both orders are a nullity in the eyes of law and cannot be sustained.

7. Accordingly, **the orders dated 19.06.2024 and 24.02.2026 passed respectively by the Maintenance Tribunal and the Appellate Tribunal are hereby set aside**, having been passed in the absence of the coram mandated by the notification (*supra*). 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 29.05.2026, whereupon the latter shall endeavour to decide the matter expeditiously, after affording adequate opportunity of hearing to all parties concerned.

8. Disposed of accordingly.

May 14, 2026
devinder

(KULDEEP TIWARI)
JUDGE

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