



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

CWP-16045-2022 (O&M)
Date of decision: 29.04.2026

Mukul BatraPetitioner

Versus

Girdhari Lal Batra and othersRespondents

CWP-25936-2022 (O&M)

Girdhari Lal Batra and othersPetitioners

Versus

Mukul Batraand othersRespondent

CORAM: HON'BLE MR. JUSTICE KULDEEP TIWARI

Present: Mr. Gurmohan Singh Bedi, Advocate, and
Mr. Varinder Singh, Advocate,
for the petitioner (in CWP-16045-2022) &
for respondent No.1 (in CWP-25936-2022).

Mr. Reshab Bajaj, Advocate,
for the petitioners in (CWP-25936-2022) &
for respondent No.2 and 3 (in CWP-16045-2022).

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

KULDEEP TIWARI, J. (Oral)

1) At the outset, learned counsel for the contesting parties are *ad idem* that both the petitions arise out of the same proceedings. Accordingly, both the cases, being amenable for a common decision, are taken up together. However, for brevity, the facts are being derived from CWP-16045-2022.

2) The instant writ petition, filed under Articles 226/227 of the Constitution of India, is directed against the order 24.02.2021 (Annexure P-10), vide which, the application moved by the respondents-senior



citizens (parents), under the provisions of the Maintenance and Welfare of Parents and Senior Citizens Act, 2007 (for short, 'the Act of 2007'), was partly allowed by the Maintenance Tribunal-cum-Sub Divisional Magistrate. Further, the order dated 04.05.2022 (Annexure P-14), is also assailed, whereby, the appeal preferred by the petitioner-son against the abovesaid order, has been dismissed.

2) At the outset, learned counsel for the petitioner-son, as well as, learned State counsel are *ad idem* 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 impugned order 04.05.2022 (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:-

"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) However, in the matter at hand, the order dated 04.05.2022 (Annexure P-14), has been passed solely by the Deputy Commissioner-cum-Chairman, Appellate Tribunal, Gurugram, thereby, lacking the mandatory *coram*.
- 4) In view of the abovesaid position, this Court has no other option, but to set aside the order dated 04.05.2022 (Annexure P-14), being *coram non judice*.
- 5) Accordingly, the impugned order 04.05.2022 (Annexure P-14) is set aside, and the instant *lis* is remitted to learned Appellate Tribunal, Gurugram, headed by Deputy Commissioner, to decide the same afresh, in accordance with the notification (*supra*), issued by the Government of Haryana.
- 6) The parties are directed to cause appearance before the learned Appellate Tribunal, Gurugram, on 29.05.2026, 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, within a period of three months from the receipt of a certified copy of this order. It is also expected that the matter (*supra*), shall be decided on its own merits, without being influenced by the observations already recorded.
- 7) Consequently, both the instant writ petitions are **disposed of**.
- 8) A photocopy of this order be placed on the file of connected case.

(KULDEEP TIWARI)
JUDGE

29.04.2026
Ak Sharma

Whether speaking/reasoned	Yes
Whether reportable	Yes/No