



CWP-14827-2025

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

(210)

CWP-14827-2025

Date of Decision : 18.02.2026

Ramesh and another

...Petitioners

Versus

Presiding Officer, Maintenance Appellate
Tribunal/District Magistrate, Jhajjar and others

...Respondents

CORAM: HON'BLE MR. JUSTICE KULDEEP TIWARI

Present: Mr. Ram Darshan Yadav, Advocate
for the petitioners.

Mr. Vineet Kumar Jakhar, Advocate and
Mr. Mohit Thakur, Advocate
for respondent No.3.

KULDEEP TIWARI, J. (ORAL)

1. The transfer deed executed by respondent No.3 (senior citizen), in favour of the petitioner No.1 (son) was cancelled, vide order dated 22.01.2025 (Annexure P-3), passed by learned Maintenance Tribunal, Bahadurgarh (respondent No.2), by invoking the provisions of Section 23 of the Maintenance and Welfare of Parents and Senior Citizens Act, 2007 (for short 'the Act of 2007'). Further, the statutory appeal preferred by the petitioners, under Section 16 of the Act of 2007, was also dismissed, vide order dated 25.03.2025 (Annexure P-5), passed by learned Maintenance Appellate Tribunal/District Magistrate, Jhajjar (respondent No.1).

2. The legality of the impugned order(s) was put to challenge, primarily, on the ground, that same suffers from inherent lack of jurisdiction.

Learned counsel for the petitioners submits that through the relevant

notification dated 08.07.2025, issued by Social Justice, Empowerment, Welfare of Scheduled Castes and Backward Classes and Antyodaya (Sewa) Department, Government of Haryana, has notified the composition of the learned Maintenance Tribunal, as well as, learned Appellate Authority, which is extracted hereinafter :-

Notification

The 8th July, 2025

No. 40/6/2023-4SW.— *In continuation of the Haryana Government Notification No. 1041-SW(4)-2020, dated 08.12.2020, 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:-*

JHAJJAR		
APPELLATE TRIBUNAL, JHAJJAR		
1.	Deputy Commissioner	Chairman
2.	Smt. Seema Rani W/o Sh. Ajay Kumar VPO - Dujana, Jhajjar. Mobile No. 80596 88077	Non-Official Member
3.	Sh. Satender Dhankhar S/o Sh. Chhatar Singh House No. 181, Arya Nagar, Jhajjar. Mobile No. 94163 80264	Non-Official Member



MAINTENANCE TRIBUNAL, JHAJJAR		
1.	Sub Divisional Magistrate	Chairman
2.	Sh. Kartik Gupta (Advocate) S/o Sh. Ashok Kumar House No. 262/1, Lal Khania, Main Bazaar, Jhajjar Mobile No. 85868 88700	Non-Official Member
3.	Sh. Bhagwat Dayal S/o Sh. Rama Kant House No. 466, Ward No. 16, Mohalla Chhawani, Jhajjar Mobile No. 92155 91878	Non-Official Member

MAINTENANCE TRIBUNAL, BAHADURGARH		
1.	Sub Divisional Magistrate	Chairman
2.	Sh. Mahabir Sehrawat S/o Sh. Malya Ram Sehrawat House No. 282, Gali - 7, Model Town, Bahadurgarh, Jhajjar, Mobile No. 94662 32311	Non-Official Member
3.	Sh. Naveen Sharma (Advocate) S/o Sh. Satyanarayan Sharma, House No. 26/418, Ram Kalan Colony, Bahadurgarh, Jhajjar. Mobile No. 86079 59929	Non-Official Member

3. Learned counsel for the petitioner has also drawn the attention of this Court towards the order(s) impugned, and submits that both the orders, as passed by Sub Divisional Magistrate, Bahadurgarh, as well as, learned Appellate Authority and District Magistrate, Jhajjar, respectively, are in their individual capacity, and therefore, both the orders (supra), suffers from illegality and cannot be cured, and requires interference of this Court.

4. Mr. Vineet Kumar Jakhar, Advocate, who has caused appearance on behalf of the respondent No.3 (senior citizen), though joined the issue on merits and submits that the transfer deed has rightly been cancelled. However, he is unable to refute the factual position, to the effect, that the order(s) impugned is void being *coram non judice*.

5. In view of the above, both the orders (supra), are hereby **set aside**, and the instant *lis* is **rewmitted back** to learned Maintenance Tribunal, concerned, headed by Sub Divisional Magistrate. Further, a *mandamus* is passed that the application preferred by the senior citizen (respondent No.3),



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shall be decided by learned Maintenance Tribunal, in accordance with the notification (supra), issued by the Government of Haryana.

6. Application under the Act of 2007, is pending since 2024, therefore, a positive *mandamus* is also passed upon learned Maintenance Tribunal concerned, to decide the application, within a period of three months, from the date of receipt of certified copy of this order, after affording adequate opportunity of hearing to the parties concerned.

7. Consequently, the instant writ petition is **disposed of**.

(KULDEEP TIWARI)
JUDGE

February 18, 2026
Manpreet

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