



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

102

CWP-15172-2026

Date of decision: 27.05.2026

RAMPY

.... Petitioner

Vs.**STATE OF HARYANA AND OTHERS**

.... Respondents

CORAM: HON'BLE MR. JUSTICE KULDEEP TIWARI

Present: Mr. Neeraj Sansaniwal, Advocate and
Mr. Sumer Khod, Advocate,
for the petitioner.

Mr. Bhupender Singh, Addl.AG, Haryana.

Mr. Baljeet Nain, Advocate,
for respondent No.3.

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 25.02.2026 (Annexure P-1), passed by the Deputy Commissioner-cum-Appellate Tribunal, whereby, the appeal preferred by the respondent no.3 (senior citizen), against the order dated 23.06.2025, passed by Maintenance Tribunal, was allowed.

2. Learned counsel for the petitioner submits that in view of the notification No.40/6/2023-4SW, dated 01.04.2025, prescribing the composition of the Maintenance Tribunals and Appellate Tribunals, the order dated 25.02.2026 (Annexure P-1), is void being '*coram non judice*'. The relevant portion is extracted herein below:-

“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 the 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:- .

Appellate Tribunal, Jind		
1	Deputy Commissioner	Chairman
2	Shri Manoj Sharma (Advocate) S/o Shri Pool Kumar, R/o 68, Housing Board Colony, District Jind. Mobile No. 94168 27540	Non-Official Member
3	Smt. Antima W/o Shri Rajbir, R/o Main Market Near HDFC Bank, Julana, District Jind. Mob. No. 80535 63414	Non-Official Member
Maintenance Tribunal, Jind		
1	Sub Divisional Magistrate	Chairman
2	Shri Gaurav Setia (Advocate) S/o Shri Ramesh Kumar, R/o Rambir Colony, Patiala Chowk, District Jind Mobile No. 74950 28583	Non-Official Member
3	Shri Narender Sharma S/o Ram Niwas Sharma, House No. 802, New Housing Board Colony, District Jind Mobile No. 98120 53000	Non-Official Member

3. 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 25.02.2026 (Annexure P-1), was passed solely by the Deputy Commissioner-cum-Appellate Tribunal, Jind, thereby lacking the mandatory *coram*. Further, a perusal of the order dated 23.06.2025 (Annexure P-5) reveals that it has also been passed by solely by the SDM concerned. Therefore, both the orders are liable to be set aside.



4. On the other hand, learned State counsel as well as learned counsel for the contesting respondent No.3, fairly concede that the both the orders (*supra*), suffer from '*coram non judice*'.

5. In view of the notification (*supra*), and the admission made by the learned State counsel as well as learned counsel for the contesting respondent no.3, this Court finds that the both the orders 25.02.2026 (Annexure P-1) and 23.06.2025 (Annexure P-5) are void, being '*coram non judice*', and therefore, the same are **set aside**.

6. The *lis* is remanded to the learned Maintenance Tribunal concerned for a fresh decision after affording the parties an opportunity of hearing.

7. Both parties are directed to appear before the learned Maintenance Tribunal concerned on 11.06.2026 at 11. 00 AM. It is expected that the application shall be heard and decided by the complete *coram*, as per the notification (*supra*), as issued by the Government of Haryana.

8. **Disposed of** accordingly.

9. All pending application(s), if any, also stand **disposed** of accordingly.

(KULDEEP TIWARI)
JUDGE

27.05.2026
dharamvir

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