



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

219

CWP-15292-2023**Date of decision: 08.04.2026****HITENDER****.... Petitioner****Vs.**

**APPELLATE TRIBUNAL CUM DISTRICT MAGISTRATE JHAJJAR
AND OTHERS**

.... Respondents**CORAM: HON'BLE MR. JUSTICE KULDEEP TIWARI**

Present: None for the petitioner.

Mr. Kapil Bansal, D.A.G. Haryana
for respondents no.1 and 2.

None for respondent No.3.

KULDEEP TIWARI, J (Oral)

1. There is no representation on behalf of the petitioner, today in Court.
2. Till date, no one has caused appearance on behalf of respondent no.3, despite service.
3. At this stage, learned State counsel representing respondents no.1 and 2 draws attention of this Court towards, the order dated 09.05.2023 (Annexure P-5), passed by the learned Appellate Tribunal, to submit that the said order is illegal being *coram non judice*.
4. To substantiate his argument, he placed reliance upon notification No.1041-SW(4)-2020, dated 08.12.2020, which notifies the composition of the Appellate Tribunal, Jhajjar. The relevant portion is extracted herein below:-

“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.

Appellate Tribunal, Jhajjar		
1	Deputy Commissioner	Chairman
2	Sh. Jasbir Singh, Advocate S/o Subedar Chand Ram Village Majra District, Jhajjar 9813414469	Non-Official Member
3	Sh. Gaurav Soni Advocate R/o Ward No. 10, Bastiram, Jhajjar 9728010676	Non-Official Member
Maintenance Tribunal, Jhajjar		
1	Sub Divisional Magistrate	Chairman
2	Sh. Karan Singh (Advocate) S/o Sh. Mandroop R/o Subhash Nagar, Talav Road, Jhajjar 9416863007	Non-Official Member
3	Sh. Bhagwan Singh, S/o Sh. Nand Kishor R/o Vill. Birdhana. Teh & Distt. Jhajjar. 9034528223	Non-Official Member

5. It is submitted that in terms of 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 Chairman.
6. This Court has examined the impugned dated 09.05.2023, passed by the learned Appellate Tribunal concerned, and finds that it suffers illegality on account of *coram non judice* and, such a defect cannot be cured even by this Court. Therefore, the same is **set aside**. The *lis* is **remanded** to the learned Appellate Tribunal concerned, for a fresh decision after affording the parties an opportunity of hearing. Both parties are directed to appear before the learned Appellate Tribunal concerned on 30.04.2026 at 11.00 AM.
7. It is expected that the appeal shall be heard and decided by the complete notified *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

08.04.2026
dharamvir

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