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IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

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Date of decision: 27.04.2026

LICHMAN AND ANOTHER

.... Petitioners

Vs.

STATE OF HARYANA AND OTHERS

.... Respondents

CORAM: HON'BLE MR. JUSTICE KULDEEP TIWARI

Present: Ms. Anjali Sheoran, Advocate,
for the petitioners.Mr. Kapil Bansal, D.A.G. Haryana
for respondents no.1 to 3.Mr. Parveen Moudgil, Advocate
for respondent No.4 and 6.Mr. Mohan Sheoran, Advocate and
Mr. Vinay Singh Rathee, Advocate,
for respondent no.5.

None for respondent no.7 to 9.

KULDEEP TIWARI, J (Oral)

1. As per the office report, notice issued to respondents no.7 and 8, has been received back with the report that they received the summons, but, refused to put signatures. However, no one caused appearance on their behalf.

2. Accordingly, respondents no.7 and 8, are proceeded against *ex parte*.

3. The summons of respondent no.9 not received back either served or otherwise.

4. At this stage, learned counsel for the petitioner draws attention of this Court towards, the order dated 30.01.2023 (Annexure P-1), passed by the Deputy Commissioner-cum-Appellate Tribunal, Jind, (respondent no.2) as well as the order dated 07.04.2022 (Annexure P-2), passed by the Maintenance Tribunal-cum-SDM, Uchana, Jind respondent no.3), to submit

that the said orders are illegal being *coram non judice*.

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5. 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.*”**

<i>Appellate Tribunal, Jind</i>		
<i>1</i>	<i>Deputy Commissioner</i>	<i>Chairman</i>
<i>2</i>	<i>Sh. Balbir Singh Dhull #1236, U/E, Jind 9896821525</i>	<i>Non-Official Member</i>
<i>3</i>	<i>Sh. Pritam Singh (Retd.AP) #2122 U/E Jind 9996971992</i>	<i>Non-Official Member</i>
<i>Maintenance Tribunal, Jind</i>		
<i>1</i>	<i>Sub Divisional Magistrate</i>	<i>Chairman</i>
<i>2</i>	<i>Sh. Subhash Chand S/o Ram Sharan #140/19 Jain Nagar, Jind 9416485559</i>	<i>Non-Official Member</i>
<i>3</i>	<i>Sh. Surender Dhawan S/o Shankar Das #124/19 Jain Nagar, Jind 9255415991</i>	<i>Non-Official Member</i>

6. It is submitted that in terms of the notification (*supra*), both the Maintenance Tribunal and the Appellate Tribunal are required to comprise

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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 impugned orders were passed solely by the Sub Divisional Magistrate, and Deputy Commissioner, Jind, respectively, thereby, lacking the mandatory *coram*.

7. On the other hand, jointly learned counsel for the respondents, fairly, concede that the impugned orders suffers from '*coram non judice*'.

8. In view of the notification (*supra*), and the admission made by the learned counsel for the respondents, this Court finds that the orders (*supra*) are void, being '*coram non judice*', and therefore, the same are **set aside**. The *lis* is remanded to the **learned Maintenance Tribunal concerned** for a fresh decision after affording the parties an opportunity of hearing.

9. Both parties are directed to appear before the learned Maintenance Tribunal concerned on 05.05.2026 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.

10. **Disposed of** accordingly.

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

(KULDEEP TIWARI)
JUDGE

27.04.2026
dharamvir

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