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

CWP-16085-2024

Date of Decision : 16.04.2026

PREMWATI

.....Petitioner

**VERSUS**

DC-CUM-APPELLATE TRIBUNAL, SONIPAT AND ORS

.....Respondents

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

Present : Mr. Vikram Singh, Advocate,  
for the petitioner.

Mr. Bhupender Singh, Addl.AG, Haryana.

Mr. Rajinder Goel, Advocate,  
for respondents no.3 to 5.

**KULDEEP TIWARI, J.(Oral)**

1. Through the instant petition, filed under Article 226/227 of the Constitution of India, the petitioner (senior citizen), has thrown challenge to the order dated 05.03.2024 (Annexure P-8), passed by the learned Appellate Tribunal (respondent no.1), while exercising its powers under Section 16 of the Maintenance and Welfare of Parents and Senior Citizens Act, 2007.

2. The sole ground as raised by learned counsel for the petitioner, is that the impugned order is illegal, as it suffers from *coram non judice*.

3. He further submits that in view of the notification No.1041-



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SW(4)-2020, dated 08.12.2020, prescribing the composition of the Maintenance Tribunals and Appellate Tribunals, the impugned order is void being '*coram non judice*'. 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.*”**

4. On the basis of the above notification, he further draws attention of this Court towards the vernacular of the impugned order, to submit that the same has been passed by the Deputy Commissioner, individually. Therefore, it does not pass the test of legality.

5. On the other hand, learned counsel for respondents no.3 to 5, raised certain relevant issues before this Court, which are as under:-



- i. In compliance to the directions issued by the learned Appellate Tribunal, Rs.40 lakh has already been transferred in the account of the petitioner. On one hand, the petitioner is challenging the order (*supra*), passed by the learned Appellate Tribunal, and on the other hand, she is enjoying Rs.40 lakh.
  - ii. After receiving Rs.40 lakh, the petitioner is barred by the *doctrine of estoppel*, from challenging the order passed by the learned Appellate Tribunal.
  - iii. The property in question has exchanged many hands, and therefore, setting aside the appellate order, and remanding the matter for fresh adjudication, would create further complications.
  - iv. Finally, he submits that, in light of the grounds taken in the application, the mischief of Section 23 of the Maintenance and Welfare of Parents and Senior Citizens Act, 2007, cannot be invoked, and this aspect has been duly considered by the learned Appellate Tribunal while setting aside the order passed by the learned Maintenance Tribunal.
6. While interfering in between the arguments of the learned counsel for respondents no.3 to 5, learned counsel for the petitioner, submits that the petitioner is ready and willing to deposit Rs.40 lakhs, with the Appellate Tribunal concerned.



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7. This Court has considered the submissions, as made by learned counsel for both the parties concerned.

8. There is no dispute with regard to the fact that the order dated 05.03.2024 (Annexure P-8) passed by the learned Appellate Tribunal, is illegal, being *coram non judice*, and such defect is not curable, therefore, the same is liable to be set aside.

9. Therefore, considering this aspect, and in view of the statement made by on behalf of the petitioner–senior citizen expressing readiness and willingness to deposit Rs.40 lakh, the instant petition is **disposed of** with the following directions:

i) The impugned order is set aside, subject to the condition that the petitioner-senior citizen shall deposit a sum of Rs.40 lakh with the concerned learned Appellate Tribunal within a period of 30 days from the date of this order. The said amount shall be deposited by the latter in a nationalised bank in the form of a Fixed Deposit, yielding maximum returns.

ii) The aforesaid amount shall be subject to the outcome of the appeal, which shall be decided afresh by the learned Appellate Tribunal concerned.

iii) Respondents no. 3 to 5, shall be at liberty to raise all such pleas as were raised before this Court, before the learned Appellate Tribunal, which shall be considered and



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decided by the latter, after affording due opportunity of hearing to all parties concerned.

iv) In the meanwhile, no third party interest/right shall be created on the property in question, until the final decision, is taken by the learned Appellate Tribunal concerned.

10. **Disposed of** accordingly.

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

**April 16, 2026**  
*dharamvir*

**(KULDEEP TIWARI)**  
**JUDGE**

|                            |   |        |
|----------------------------|---|--------|
| Whether speaking/reasoned. | : | Yes/No |
| Whether Reportable.        | : | Yes/No |