



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

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**CWP-19492-2022****Date of decision: 07.04.2026****SUDESH KUMAR****.... Petitioner****Vs.**

**DEPUTY COMMISSIONER DISTRICT MAGISTRATE-CUM-  
CHAIRMAN, APPELLATE TRIBUNAL, GURUGRAM AND ORS.**

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

Present: Mr. K.D.S.Hooda, Advocate,  
for the petitioner.

Mr. Bhupender Singh, Addl.AG, Haryana.

Mr. Rakesh Nehra, Sr. Advocate assisted by  
Ms. Nitika Malik, Advocate,  
for respondent No.3.

**KULDEEP TIWARI, J (Oral)**

1. The senior citizen has thrown challenge to the order dated 28.09.2021 (Annexure P-4), passed by Sub-Divisional Magistrate -cum- President, Tribunal Maintenance, whereby the his application, under the provisions of the Maintenance and Welfare of Parents and Senior Citizens Act, 2007, has been dismissed. He also seeks quashing of order dated 04.05.2022 (Annexure P-6), passed by the Deputy Commissioner, District Magistrate-cum-Chairman, Appellate Tribunal, Gurugram (respondent no.1), whereby the appeal filed against the order dated 28.09.2021, has been dismissed.

2. Learned counsel for the petitioner, at the outset submits that the order passed by District Magistrate, exercising his powers under Section 16 of the Maintenance and Welfare of Parents and Senior Citizens Act, 2007, is illegal being *coram non judice*.

3. He draws attention of this Court towards the notification No.1041-SW(4)-2020, dated 08.12.2020, and submits that as per the said notification the Appellate Tribunals comprises of Chairman and two other members, whereas, the impugned order dated 04.05.2022 (Annexure P-6),



has been passed by solely by the District Magistrate, therefore, it suffers from ‘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.***

| Appellate Tribunal, Gurugram   |                                                                                                                                                      |                     |
|--------------------------------|------------------------------------------------------------------------------------------------------------------------------------------------------|---------------------|
| 1                              | Deputy Commissioner                                                                                                                                  | Chairman            |
| 2                              | Sh. Aazad Singh<br>Chamber No. 2, Block C, District Court, Gurugram<br>9899115584                                                                    | Non-Official Member |
| 3                              | Smt. Neelam Yadav<br>Plot No. 604, G.H.-7, The Royal Residency Co-operative<br>Housing Society Near Antriksh Green Sector-45, Gurugram<br>9013044444 | Non-Official Member |
| Maintenance Tribunal, Gurugram |                                                                                                                                                      |                     |
| 1                              | Sub Divisional Magistrate                                                                                                                            | Chairman            |
| 2                              | Sh. Mohit Kaushik S/o Sh. Inderjit Kaushik<br># 115/C, Khera Devat, Near Shiv Vatika, Gurugram.<br>9999747461                                        | Non-Official Member |
| 3                              | Sh. Neerav S/o Sh. Sagar Chand # 70/3, Old Sabji Mandi, Chunni Wali Gali, Naya Bazzar, Gurugram.<br>9810891524                                       | Non-Official Member |

4. Learned senior counsel for respondent no.3 strongly opposed the submissions, as made by learned counsel for the petitioner, and also made an effort to join the issue on merits. However, he is unable to satisfy this Court, regarding the illegality committed by the learned Appellate Tribunal by deciding the appeal himself individually.



5. On the other hand, learned State counsel, fairly concedes that the impugned order dated 04.03.2022 (Annexure P-6), suffers from '*coram non judice*'.

6. In view of the notification (*supra*) and the admission made by the learned State counsel, 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 Appellate Tribunal concerned for a fresh decision after affording the parties an opportunity of hearing. All the 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 application shall be heard and decided by the complete *coram*, as per the notification (*supra*), as issued by the Government of Haryana.

8. Since this matter is pending since 2021, therefore, the learned Appellate Tribunal, directed to decide the appeal afresh within a period of four months, from the date of receipt of a certified copy of this order.

9. **Disposed of** accordingly.

(KULDEEP TIWARI)  
JUDGE

07.04.2026  
dharamvir

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