



CWP-27597-2017

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IN THE HIGH COURT OF PUNJAB AND HARYANA AT  
CHANDIGARH

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CWP-27597-2017

Date of decision: 06.05.2026

RAJWANT KAUR

.... Petitioner

Vs.

DEPUTY COMMISSIONER OF FARIDABAD HARYANA AND ORS

.... Respondents

CORAM: HON'BLE MR. JUSTICE KULDEEP TIWARI

Present: Mr. Sundeep Sehgal, Advocate,  
for the petitioner.

Mr. Bhupender Singh, Addl.AG, Haryana.

Mr. Harsh Rana, Advocate for  
Mr. Raj Kumar Rathore, Advocate,  
for respondent No.3.**KULDEEP TIWARI, J (Oral)**

1. Through the instant writ petition, filed under Articles 226/227 of the Constitution of India, a prayer is made for quashing of order dated 21.07.2016 (Annexure P-1), passed by the SDM, Maintenance Tribunal, Faridabad (respondent no.2), as well as order dated 29.08.2017 (Annexure P-3), passed by the Deputy Commissioner-cum-First Appellate Authority under the Maintenance and Welfare of Parents and Senior Citizens Act, 2007.

2. Learned counsel for the petitioner submits that in view of the notification No.1041-SW(4)-2020, dated 08.12.2020, prescribing the composition of the Maintenance Tribunals and Appellate Tribunals, the impugned orders are 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.*

| <b><i>Appellate Tribunal, Faridabad</i></b>   |                                                                                             |                                       |
|-----------------------------------------------|---------------------------------------------------------------------------------------------|---------------------------------------|
| <b><i>1</i></b>                               | <b><i>Deputy Commissioner</i></b>                                                           | <b><i>Chairman</i></b>                |
| <b><i>2</i></b>                               | <b><i>Renubali<br/># 695, Sector 28, Faridabad<br/>9350844393</i></b>                       | <b><i>Non-Official<br/>Member</i></b> |
| <b><i>3</i></b>                               | <b><i>Sh. Anoop Tyagi<br/># 161, Block B, Faridabad<br/>9810915561</i></b>                  | <b><i>Non-Official<br/>Member</i></b> |
| <b><i>Maintenance Tribunal, Faridabad</i></b> |                                                                                             |                                       |
| <b><i>1</i></b>                               | <b><i>Sub Divisional Magistrate</i></b>                                                     | <b><i>Chairman</i></b>                |
| <b><i>2</i></b>                               | <b><i>Smt. Ranjna Sharma<br/>House No. 824, Sector 9, Faridabad<br/>9582946164</i></b>      | <b><i>Non-Official<br/>Member</i></b> |
| <b><i>3</i></b>                               | <b><i>Shri. R. P. Hans, Lok Uthan Club 52/64 1st<br/>floor, NIT, FBD<br/>9818649787</i></b> | <b><i>Non-Official<br/>Member</i></b> |

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

4. On the other hand, learned State counsel as well as learned counsel for respondent No.3 fairly concedes that the impugned orders suffers



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from '*coram non judice*'.

5. 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. Both parties are directed to appear before the learned Maintenance Tribunal concerned on 21.05.2026 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.

6. **Disposed of** accordingly.

7. There is an application for impleadment of the legal representatives of deceased-respondent No. 3, which is also being contested by the petitioner/non-applicant. Since this Court has already set aside the impugned orders as being illegal on the ground of *coram non judice* and has remanded the instant *lis* to the learned Maintenance Tribunal concerned, the latter concerned shall also decide whether the right to sue survives in favour of the legal representatives sought to be impleaded, and whether the cause of action survives or not?.

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

06.05.2026  
dharamvir

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