



CWP-19982-2022 (O&M)

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

(102)

CWP-19982-2022 (O&M)

Date of Decision : 24.03.2026

Manisha Agrawal

...Petitioner

Versus

State of Haryana and others

...Respondents

CORAM: HON'BLE MR. JUSTICE KULDEEP TIWARI

Present: Mr. Vishal Yadav, Advocate for the petitioner.

Mr. S.K. Garg Narwana, Sr. Advocate with
Mr. Vishal Garg, Advocate
Mr. Nitin Sachdev, Advocate for respondents No.3 and 4.

Mr. A.V.S. Parmar, Advocate for
Mr. Sanjiv K. Aggarwal, Advocate for respondent No.5.

KULDEEP TIWARI, J. (ORAL)

1. The legality of order dated 13.08.2022 (Annexure P-6), as passed by learned District Magistrate, Palwal (respondent No.2), has been put to challenge by the petitioner, who is daughter-in-law, wherethrough, the appeal preferred by respondents No.3 and 4/senior citizens, under Section 22 of the Maintenance and Welfare of Parents and Senior Citizens Act, 2007 (for short 'the Act of 2007'), seeking eviction of daughter-in-law and their son (performa respondent No.5), has been allowed.

2. Learned counsel for the petitioner, has addressed the principle legal argument, to the effect, that impugned order is *void* being *coram non judice*. He submits that Govt. of Haryana through the relevant notification dated 19.01.2021, issued by Social Justice, Empowerment, Welfare of Scheduled Castes and Backward Classes and Antyodaya (Sewa) Department,



has notified the composition of the learned Maintenance Tribunal, as well as, learned Appellate Authority, which is extracted hereinafter :-

Notification
19th January, 2021

No. 40/6/2023-4SW.— *In continuation of the Haryana Government Notification No. 1041-SW(4)-2020, dated 08.12.2020, 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:-*

PALWAL		
APPELLATE TRIBUNAL, PALWAL		
1.	Deputy Commissioner	Chairman
2.	Sh. Hem Raj Chauhan (Advocate) S/o Sh. Digamber Singh Chamber No. 64, Distt. & Session Court Palwal 9991777460 hemrajchauhan@gmail.com	Non-Official Member
3.	Smt. Namita Tayal W/o Sh. R.K Tayal Ashray A-147-R, Arya Samaj Wali Gali, New Colony, Palwal 8053112233 namita.tayal@yahoo.com	Non-Official Member

MAINTENANCE TRIBUNAL, PALWAL		
1.	Sub Divisional Magistrate	Chairman
2.	Sh. Surender Singh S/o Sh. Prabhudyal Vill. Ghugera Teh. & Distt. Palwal 9050998444	Non-Official Member
3.	Sh. Subhash Chand Bansal Palwal 9416326420	Non-Official Member



3. Learned senior counsel for the respondents No.3 and 4/senior citizens, though joined the issue on merits. However, he is unable to refute the above said submission, as made by learned counsel for the petitioner, to the effect, that the order impugned is *void* being *coram non judice*.

4. Before this Court examine the impugned order on merits, let's first deal with the principle argument, as raised by the learned counsel for the petitioner. The impugned order is admittedly, passed by learned District Magistrate, Palwal, which is not the notified Maintenance Tribunal, in view of the relevant notification dated 19.01.2021, issued by State of Haryana, therefore, the impugned order is *per se* illegal, being *corum non judice*.

5. In view of the above, the impugned order dated 13.08.2022 (Annexure P-6), is hereby, **set aside** and the instant *lis* is **remitted back** to the Maintenance Tribunal, constituted in view of the notification (*supra*), issued by the State of Haryana. Learned District Magistrate, Palwal, is directed to forthwith, transfer the entire record of the case to the Maintenance Tribunal, concerned.

6. Both the parties are directed to cause appearance before the Maintenance Tribunal on 10.04.2026 at 11:00 AM, whereupon, the latter shall make an endeavour to decide the instant *lis*, within a period of three months, from the date of receipt of certified copy of this order, after affording adequate opportunity of hearing to the parties concerned.

7. Consequently, the instant writ petition is **disposed of**.

8. Pending applications, if any, stands disposed of accordingly.

(KULDEEP TIWARI)
JUDGE

March 24, 2026

Manpreet

MANPREET SINGH
2026.04.02 15:47
I attest to the accuracy and
authenticity of this
order/judgment

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