



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

CWP-22591-2025 (O&M)

Date of decision: 01.04.2026

Hardeep Singh

....Petitioner

Versus

Chairman, Maintenance & Welfare of Parents and Senior Citizen
Appellate Tribunal, Fatehabad and others

....Respondents

CORAM: HON'BLE MR. JUSTICE KULDEEP TIWARI

Present: Mr. Munish Kumar Garg Advocate,
for the petitioner.

Mr. Kapil Bansal, DAG, Haryana.

Mr. S.S. Salar, Advocate, and
Ms. Tisha Joshi, Advocate,
for respondent No.3.

KULDEEP TIWARI, J. (Oral)

1) The instant writ petition, filed under Articles 226/227 of the Constitution of India, is directed against the order dated 30.04.2024 (Annexure P-7), where through, the learned Appellate Tribunal has modified the order dated 06.09.2023 (Annexure P-6), passed by learned Maintenance Tribunal.

2. In nutshell, the senior citizen-respondent No.3, preferred an application under Section 23 of the Maintenance and Welfare of Parents and Senior Citizens Act, 2007 (for short, 'the Act of 2007'), praying for a direction to the petitioner (grandson) and respondent No.4 (son) to revert the property in question in her favour. Accordingly, vide order dated 06.09.2023 (Annexure P-6), the Maintenance Tribunal disposed of the application to the effect that, in terms of the compromise dated



21.02.2023 (Annexure P-1), arrived at between the parties, the petitioner and respondent No.4 are bound to pay an amount of Rs.2,00,000/- each, per annum, to the senior citizen. Further, it was also directed that the senior citizen shall be free to reside with any of the parties. Dissatisfied, the senior citizen questioned the order (*supra*), by preferring an appeal before the learned Appellate Tribunal. Upon consideration of the matter, the appeal, vide order dated 30.04.2024 (Annexure P-7), has been partially allowed, and the petitioner as well as respondent No.4, have been directed to remit an amount of Rs.3,00,000/- each annually, to the senior citizen, apart from meeting out certain other obligations. Fetching grievance from the said directions, the petitioner-grandson is before this Court.

2) Written statement on behalf of respondent No.3, has been filed in the Court today, which is taken on record.

3) At the outset, learned counsel for the petitioner and also the State counsel are *ad idem* 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 order dated 30.04.2024 (Annexure P-7) is void being *coram non judice*. 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:-

“Notification

The 8th December, 2020



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) However, in the matter at hand, the order dated 30.04.2024 has been passed solely by the Commissioner, Fatehabad, thereby, lacking the mandatory *coram*.

5) Having heard learned counsel for the parties, and in view of the abovesaid position, this Court has no other option, but to set aside the order dated 30.04.2024 (Annexure P-7), being *coram non judice*.

6) Accordingly, the impugned order (Annexure P-7) is set aside, and the instant *lis* is remitted to learned Appellate Tribunal, Fatehabad, headed by Deputy Commissioner, to decide the same afresh, in accordance with the notification (*supra*), issued by the Government of Haryana.

7) The parties are directed to cause appearance before the learned Appellate Tribunal, Fatehabad, on 20.04.2026, whereupon, the latter shall decide the matter, after due compliance of the provisions of



the Act of 2007, and the apposite Rules, including the grant of a fair opportunity of hearing to all the parties concerned, within a period of three months from the receipt of a certified copy of this order. It is also expected that the matter (supra), shall be decided on its own merits, without being influenced by the observations already recorded.

8) Consequently, the instant writ petition is **disposed of**.

(KULDEEP TIWARI)
JUDGE

01.04.2026
Ak Sharma

Whether speaking/reasoned	Yes
Whether reportable	Yes/No