

2026.PHC:066283



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

**CWP-23771-2024 (O&M)**

**Date of decision: 29.04.2026**

Meenu

....Petitioner

Versus

Presiding Officer, Maintenance Tribunal-cum-Sub Divisional Magistrate,  
Sonepat and others

....Respondents

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

Present: Mr. Satpal Bhasin Advocate,  
for the petitioner.

Mr. Bhupender Singh, Addl. A.G., Haryana.

None for respondents No.3

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

1) The instant writ petition, filed under Articles 226/227 of the Constitution of India, is directed against the orders dated 02.02.2022 (Annexure P-4) and 27.12.2023 (Annexure P-5), vide which, the application moved by respondent No.3-senior citizen, under the provisions of the Maintenance and Welfare of Parents and Senior Citizens Act, 2007 (for short, 'the Act of 2007'), was allowed by the Maintenance Tribunal-cum-Sub Divisional Magistrate, thereby directing the petitioner to vacate the house in question. Further, the order dated 27.08.2024 (Annexure P-7), is also challenged, whereby, the appeal preferred by the petitioner against the abovesaid orders, has been dismissed by the Appellate Tribunal.

2) At the outset, learned State counsel 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*. It is submitted that in terms of the notification (*supra*), both the Maintenance Tribunal and the

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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***

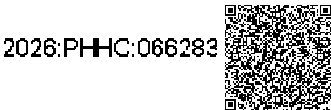
*No. 1041-SW(4)-2020.— In continuation of the Haryana Government Notification No. 1373-SW(4)-2016, dated 17.11.2016, the Governor of the Haryana is pleased to reconstitute the three Member (One Official Member and Two Non-Official Members) Maintenance Tribunal/Appellate Tribunal at the following Sub-Divisional 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...”*

3) However, in the matter at hand, the order dated 27.12.2023 (Annexure P-5), was passed by the Maintenance Tribunal comprising of two members only, whereas, the order dated 27.08.2024 (Annexure P-7) has been passed solely by the Deputy Commissioner-cum-Chairman, Appellate Tribunal, Sonapat, thereby, lacking the mandatory *coram*.

4) As per office report, service is complete, but no one is present on behalf of respondent No.3, to pursue the matter.

5) In view of the abovesaid position, this Court has no other option, but to set aside the impugned orders, being *coram non judice*.

6) Accordingly, the orders dated 27.12.2023 (Annexure P-5) and 27.08.2024 (Annexure P-7), are set aside, and the instant *lis* is remitted to the Maintenance Tribunal, Sonapat, headed by Sub Divisional



Magistrate, 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 Maintenance Tribunal, Sonapat, on 29.05.2026, 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

29.04.2026  
Ak Sharma

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