



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

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CWP-28745-2025

Date of decision: 22.04.2026

SMT. CHETNA SAHANI

.... Petitioner

Vs.

STATE OF HARYANA AND OTHERS

.... Respondents

CORAM: HON'BLE MR. JUSTICE KULDEEP TIWARI

Present: Mr. Sanjay Malik, Advocate,
for the petitioner (through V.C.)

Mr. Kapil Bansal, D.A.G. Haryana
for respondents no.1 to 3.

Mr. Varun Sharma, Advocate for
Mr. Sushil Jain, Advocate,
for respondent No.4.

KULDEEP TIWARI, J (Oral)

1. Through instant writ petition, filed under Articles 226/227 of the Constitution of India, a challenge is thrown to the order dated 13.05.2025 (Annexure P-7), passed by the District Magistrate-cum-Appellate Tribunal, Sonipat (respondent no.2), whereby, in appeal the eviction order dated 19.06.2024, (Annexure P-6), passed by SDM-cum-Presiding Officer, Maintenance Tribunal, Sonipat, has been set aside.

2. Learned counsel for the petitioner-senior citizen 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.

Appellate Tribunal, Sonipat		
1	Deputy Commissioner	Chairman
2	Sh. Ram Karan Sharma # 28, Vaxan Colony, Model Town, Sonipat.	Non-Official Member
3	Sh. Rajvir # 512/31, Gali No. 06, Ashok Vihar Near Hindu Senior Secondary School, Sonipat.	Non-Official Member
Maintenance Tribunal, Sonipat		
1	Sub Divisional Magistrate	Chairman
2	Sh. Sandeep Malik # 588/31 Gali No. 6, Ashok Vihar, Mahlana Road, Sonipat	Non-Official Member
3	Promila Singh (Adv.) # 808/6, Ashok Vihar, Gali No. 1, Mahlana Road, Sonipat	Non-Official Member

3. It is submitted that in terms of the notification (*supra*), both the Maintenance Tribunal and the Appellate Tribunal are required to comprise 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, Jind, respectively, thereby lacking the mandatory coram.

4. On the other hand, both learned counsel for the respondents, fairly concede that the impugned orders suffers 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.
6. Both parties are directed to appear before the learned Maintenance Tribunal concerned on 11.05.2026 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.
7. **Disposed of** accordingly.
8. All pending application(s), if any, also stand **disposed of** accordingly.

(KULDEEP TIWARI)
JUDGE

22.04.2026
dharamvir

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