

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

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CWP-30324-2024

Date of Decision : May 06, 2026

MANJEET KAUR AND ANOTHER

-PETITIONERS

V/S

**PRESIDING OFFICER CUM DEPUTY COMMISSIONER AND
OTHERS**

-RESPONDENTS

CORAM: HON'BLE MR. JUSTICE KULDEEP TIWARI

Present: Mr. Raghav Bali, Advocate
for the petitioners.

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

Mr. Parveen Sharma, Advocate
for the respondent No.3 (iv & v).

KULDEEP TIWARI, J. (ORAL)

1. Through the instant writ petition, the petitioners seek to set aside the orders dated 24.03.2022 and 19.04.2024, passed respectively by the Maintenance Tribunal and the Appellate Tribunal.
2. Succinctly stated, the respondent No.3 (since deceased) filed an application under Section 22(2) of the Maintenance and Welfare of Parents and Senior Citizens Act, 2007 (hereinafter referred to as “the Act of 2007”) and Rule 24 of the Haryana Maintenance of Parents and Senior Citizens Rules, 2009, before the Maintenance Tribunal, seeking the cancellation of a transfer deed dated 02.11.2018, executed in favour of the petitioners, and the consequent mutation. Vide order dated 24.03.2022, the Maintenance Tribunal allowed the application and cancelled the transfer deed. Aggrieved thereby, the petitioners preferred a statutory appeal before the Appellate Tribunal, which dismissed the appeal vide order dated 19.04.2024. In this way, deriving

grievance from cancellation of the transfer deed, the petitioners have approached this Court assailing the orders (*supra*).

3. At the outset, learned counsel for the petitioners draws the attention of this Court to a notification dated 08.12.2020, prescribing the composition of the Maintenance Tribunals and Appellate Tribunals, to submit that the impugned order dated 19.04.2024 suffers from illegality, having been passed *coram non judice*. It is submitted that under 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 Chairmen. In the present case, however, the impugned order dated 19.04.2024 was passed solely by the District Magistrate, thereby lacking the mandated coram. In support of this contention, reliance is placed on the ***judgment dated 26.10.2016*** rendered by a Coordinate Bench of this Court in ***CWP No.18784 of 2015***, the relevant paragraph whereof is extracted hereunder:

“I have heard learned counsel for the parties and perused the record with able assistance and am of the considered opinion that the impugned order passed by the Appellate Authority is patently without jurisdiction because as per the Scheme of the Act, the Tribunal and the Appellate Tribunal are constituted by the State Government by way of notification and the appeal has to be decided by the duly constituted Tribunal. In the present case, notification dated 10.12.2012 has been relied upon to which there is no contrary notification produced before this Court. In this notification, the Tribunal has been specifically constituted for Kurukshetra in which there are three Members. District Magistrate may be the Chairman of the Tribunal but once there is a Tribunal of three Members, the District Magistrate has no jurisdiction to take decision alone and the decision has to be taken unanimously or by way of majority. Therefore, on this ground alone, the impugned order deserves to be set aside and thus the present writ petition is hereby allowed and impugned order is set aside and the matter is remanded back to the Tribunal constituted as per notification dated 10.12.2012 to decide the matter afresh after affording due opportunity of hearing to both the parties and by passing a reasoned order.”

4. Learned State counsel and learned counsel for respondent No.3 (iv & v) do not dispute that the impugned order dated 19.04.2024 is vitiated as it was passed *coram non judice*.

5. Learned counsel appearing for respondent No.3 (iv & v), under a memorandum of appearance instituted before this Court today, is directed to file a validly executed Vakalatnama in his favour with the Registry, within a period of 10 days from today.

6. Having considered the submissions of learned counsel for the parties and perused the record, this Court finds that the order dated 19.04.2024 was passed by an authority lacking jurisdiction and lawful coram prescribed in the notification (*supra*). Consequently, the same is a nullity in the eyes of law and cannot be sustained.

7. Accordingly, **the order dated 19.04.2024 passed by the Appellate Tribunal is hereby set aside**, having been passed in the absence of the coram mandated by the notification (*supra*). The matter is remanded to the Appellate Tribunal for fresh adjudication in accordance with the provisions of the Act of 2007 and the relevant Rules framed thereunder. The parties shall cause appearance before the Appellate Tribunal on 14.05.2026, whereupon the latter shall endeavour to decide the matter expeditiously, after affording adequate opportunity of hearing to all parties concerned.

8. **Disposed of accordingly.**

May 06, 2026
devinder

(KULDEEP TIWARI)
JUDGE

Whether speaking/reasoned : Yes/No
Whether Reportable : Yes/No