



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

CWP-27607-2023 (O&M)

Date of decision: 25.02.2026

Umed Singh and another

....Petitioners

Versus

Sub Divisional Magistrate cum Chairman and others

....Respondents

CORAM: HON'BLE MR. JUSTICE KULDEEP TIWARI

Present: Mr. P.K. Chugh, Advocate,
for the petitioners.

Mr. Kapil Bansal, DAG, Haryana.

None for respondents No.3 and 4.

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 21.12.2022 (Annexure P-2), passed by the learned Maintenance Tribunal, whereby, an application preferred by the petitioner, under Sections 21 and 24 of the Maintenance and Welfare of Parents and Senior Citizens Act, 2007, was partially allowed, thereby declining the relief of eviction of private respondents from the house in question. Further, order dated 31.08.2023 (Annexure P-4), is also assailed, whereby their appeal against the order (*supra*), has been dismissed.

2) Learned counsel for the petitioners-senior citizens 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 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 District Commissioner-cum-District Judge, Bhiwani, respectively, thereby lacking the mandatory coram.

3) On the other hand, learned State counsel raises a preliminary objection that an application for eviction of daughter-in-law, by invoking the provisions of the Maintenance and Welfare of Parents and Senior Citizens Act, 2007 (for short, ‘the Act of 2007’), is not maintainable, in terms of the decision dated 15.12.2025, rendered by a Division Bench of this Court in LPA-701-2018 (Babu Lal Sharma Vs. Sushila Devi and others).

4) Having heard learned counsel for the parties, this Court is of the considered opinion that the matter is not required to be adjudicated on the anvil of the ratio laid down in Babu Lal Sharma (supra), since the impugned orders are not sustainable being *coram non judice*.

5) In view of the above, both the impugned orders are set aside, and the instant *lis* is remitted to learned Maintenance Tribunal, concerned, headed by Sub Divisional Magistrate, to decide the same afresh, in accordance with the notification (*supra*), issued by the Government of Haryana. It is also expected that the application (*supra*), shall be decided on its own merits, without being influenced by the observations already recorded, and also keeping in mind the law laid down in Babu Lal Sharma (supra).

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

(KULDEEP TIWARI)
JUDGE

25.02.2026
Ak Sharma

Whether speaking/reasoned	Yes
Whether reportable	Yes/No