

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

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CWP-29716-2025

Date of Decision : March 09, 2026

JAI KISHAN

-PETITIONER

V/S

STATE OF HARYANA AND OTHERS

-RESPONDENTS

CORAM: HON'BLE MR. JUSTICE KULDEEP TIWARI

Present: Mr. Kulvir Narwal, Advocate
for the petitioner.

Mr. Bhupender Singh, Addl. A.G., Haryana
for the respondents No.1 and 2.

Mr. V.P. Sangwan, Advocate
for the respondent No.3.

KULDEEP TIWARI, J. (ORAL)

1. Through the instant writ petition, the petitioner seeks to set aside the order dated 08.08.2025 passed by the Appellate Tribunal, whereby the statutory appeal filed by respondent No.3/senior citizen was partly allowed and Transfer Deed No.6352 dated 28.09.2023, executed in favour of the petitioner, was cancelled.

2. Succinctly stated, respondent No.3 filed an application under Section 23 of the Maintenance and Welfare of Parents and Senior Citizens Act, 2007 (hereinafter referred to as “the Act of 2007”) before the Maintenance Tribunal, seeking cancellation of Transfer Deed Nos.6352 and 6353 dated 28.09.2023, and Transfer Deed No.6821 dated 12.10.2023, executed in favour of her son/present petitioner. The Maintenance Tribunal dismissed the application vide order dated 13.03.2025. Aggrieved thereby, respondent No.3 filed a statutory appeal before the Appellate Tribunal, which was partly allowed vide the impugned order dated 08.08.2025, resulting in the

cancellation of Transfer Deed No.6352 dated 28.09.2023.

3. At the outset, learned counsel for the petitioner 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 08.08.2025 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 08.08.2025 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. Although learned State counsel and learned counsel for respondent No.3 do not dispute that the impugned order dated 08.08.2025 is vitiated as it has been passed *coram non judice*, learned counsel for respondent No.3 submits that the order dated 13.03.2025 passed by the Maintenance Tribunal is similarly vitiated, having been passed solely by the Sub-Divisional Magistrate, without the prescribed coram.

5. Having considered the submissions of learned counsel for the parties and perused the record, this Court finds that the orders dated 13.03.2025 and 08.08.2025 were passed by authorities lacking jurisdiction and lawful coram. Consequently, both orders are a nullity in the eyes of law and cannot be sustained.

6. Accordingly, the **orders dated 13.03.2025 and 08.08.2025 passed respectively by the Maintenance Tribunal and the Appellate Tribunal are hereby set aside**, having been passed in the absence of the coram mandated by the notification (*supra*). The matter is remanded to the Maintenance Tribunal concerned 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 Maintenance Tribunal on 25.03.2026, whereupon the latter shall endeavour to decide the matter expeditiously, after affording adequate opportunity of hearing to all parties concerned.

7. **Disposed of accordingly.**

March 09, 2026
devinder

(KULDEEP TIWARI)
JUDGE

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