



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

CWP-30953-2025

Date of decision: 20.04.2026

RAMCHANDER AND ANOTHER

.... Petitioners

Vs.

DISTRICT MAGISTRATE, FATEHABAD AND OTHERS

.... Respondents

CORAM: HON'BLE MR. JUSTICE KULDEEP TIWARI

Present: Mr. Sandeep Panwar, Advocate,
for the petitioners.

Mr. Bhupender Singh, Addl.AG, Haryana.

Mr. J.P.Sharma, Advocate,
for respondent no.3.

KULDEEP TIWARI, J (Oral)

1. Through the instant writ petition, filed under Articles 226/227 of the Constitution of India, a challenge is thrown to the order dated 01.05.2024 (Annexure P-5), passed by District Magistrate, Fatehabad (respondent no.1), whereby the appeal filed against the order dated 18.01.2023 (Annexure P-4), passed by Sub-Divisional Magistrate (respondent no.2), has been affirmed, and the appeal has been dismissed.

2. Learned counsel for the petitioners-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, Fatehabad		
1	Deputy Commissioner	Chairman
2	Sh. Vinod Tayal (Social Worker) House No. 180, Model Town, Fatehabad	Non-Official Member
3	Sh. Parveen Jindal (Advocate) House No. 123, Ratia Road, Opposite Shiv Mandir, Fatehabad.	Non-Official Member
Maintenance Tribunal, Fatehabad		
1	Sub Divisional Magistrate	Chairman
2	Sh. Rajender Kukdeja (Retd. District Attorney) Hall Chamber No. 117, Distt. Court Complex Fatehabad	Non-Official Member
3	Sh. Om Prakash Sardana Ex-Pradhan Punjab Sabha Fatehabad.	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 of 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 order dated 01.05.2024 (Annexure P-5) was passed solely by the District Magistrate, Fatehbad, thereby lacking the mandatory *coram*.
4. On the other hand, learned counsel for the contesting respondent No.3 fairly concedes that the impugned order (Annexure P-5)

suffers from ‘*coram non judice*’.



5. In view of the notification (*supra*) and the admission made by the learned counsel for the contesting respondent No.3, this Court finds that the order dated 01.05.2024 (*supra*) is void, being ‘*coram non judice*’, and therefore, the same are **set aside**. The *lis* is **remanded** to the learned Appellate Tribunal concerned for a fresh decision after affording the parties an opportunity of hearing.
6. Both parties are directed to appear before the learned Appellate Tribunal concerned on 04.05.2026 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.

(KULDEEP TIWARI)
JUDGE

20.04.2026
dharamvir

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