



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

CWP-33888-2025

Date of decision: 22.04.2026

MONIKA JAIN AND ANOTHER

.... Petitioners

Vs.

STATE OF HARYANA AND OTHERS

.... Respondents

CORAM: HON'BLE MR. JUSTICE KULDEEP TIWARI

Present: Mr. Ashish Sheokand, Advocate,
for the petitioners.

Mr. Kapil Bansal, D.A.G. Haryana.

Mr. Pankaj Gautam, Advocate for
Mr. Ghanshyam Goyal, 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 30.09.2025 (Annexure P-1), passed by the Deputy Commissioner-cum-Appellate Tribunal, Jind (respondent no.2), as well as original order dated 10.01.2020 (Annexure P-2), passed by the Maintenance Tribunal-cum-SDM, Jind, alongwith all other consequential proceedings.

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, Jind		
1	Deputy Commissioner	Chairman
2	Sh. Balbir Singh Dhull #1236, U/E, Jind 9896821525	Non-Official Member
3	Sh. Pritam Singh (Retd.AP) #2122 U/E Jind 9996971992	Non-Official Member
Maintenance Tribunal, Jind		
1	Sub Divisional Magistrate	Chairman
2	Sh. Subhash Chand S/o Ram Sharan #140/19 Jain Nagar, Jind 9416485559	Non-Official Member
3	Sh. Surender Dhawan S/o Shankar Das #124/19 Jain Nagar, Jind 9255415991	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 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.

6. **Disposed of** accordingly.

7. 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