

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

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CWP-35310-2025

Date of Decision : February 25, 2026

MAN SINGH

-PETITIONER

V/S

UMED SINGH AND OTHERS

-RESPONDENTS

CORAM: HON'BLE MR. JUSTICE KULDEEP TIWARI

Present: Mr. Arpit Gaur, Advocate
for the petitioner.

Mr. Gourav Jain, Advocate
for the respondent No.1.

Mr. Bhupender Singh, Addl. A.G., Haryana
for the respondents No.2 and 3.

KULDEEP TIWARI, J. (ORAL)

1. Through the instant writ petition, the petitioner, a septuagenarian senior citizen, seeks to set aside the orders dated 25.04.2024 and 18.07.2025, passed respectively by the Maintenance Tribunal and the Appellate Tribunal.

2. Succinctly stated, the petitioner filed an application under Sections 4 and 23(1) 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 the cancellation of a transfer deed dated 08.07.2020, executed in favour of his son/respondent No.1, and the consequent mutation. Vide order dated 25.04.2024, the Maintenance Tribunal partly allowed the application, directing the respondent No.1 to pay ₹10,000/- per month as maintenance to the petitioner, but declined to cancel

the transfer deed and mutation. Aggrieved by this partial relief, the petitioner preferred a statutory appeal before the Appellate Tribunal, which disposed of the appeal vide order dated 18.07.2025 by issuing directions that, in the event of failure of the respondent No.1 to pay the maintenance amount awarded by the Maintenance Tribunal, he shall be liable to pay an additional sum of ₹10,000/- as penalty, and that the property in question shall not be sold or transferred during the lifetime of the petitioner and his wife. In this way, deriving grievance from non-cancellation of the transfer deed and mutation, the petitioner has approached this Court assailing the orders (*supra*).

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 25.04.2024 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 25.04.2024 was passed solely by the Sub-Divisional 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.1 do not dispute that the impugned order dated 25.04.2024 is vitiated, as it has been passed *coram non judice*, learned counsel for respondent No.1 submits that the petitioner is precluded from raising this issue at this stage, as it was never pleaded earlier.

5. Having considered the submissions of learned counsel for the parties and perused the record, this Court finds no merit in the submission (*supra*) of learned counsel for respondent No.1, for the reason that once an order is found to have been passed by an authority lacking jurisdiction or lawful coram, it is a nullity in the eyes of law and cannot be sustained, irrespective of whether such a plea was initially taken.

6. Accordingly, the **impugned order dated 25.04.2024 is hereby set aside**, having been passed by the Maintenance Tribunal in the absence of

the coram mandated by the notification (*supra*). Consequentially, the **impugned order dated 18.07.2025 is also hereby set aside**, as it upheld the order dated 25.04.2024, which stood vitiated having been passed *coram non judice*. 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. Considering that the proceedings have been pending since 01.08.2023, i.e. the date of filing of the original application, and the petitioner is now approximately 71 years old, this Court directs the Maintenance Tribunal to make every endeavour to decide the matter within three months from the date of receipt of a certified copy of this order, after affording adequate opportunity of hearing to all parties concerned.

7. Disposed of accordingly.

February 25, 2026
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(KULDEEP TIWARI)
JUDGE

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