

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

105

CWP-39516-2025

Date of Decision : March 20, 2026

SATPAL AND ANOTHER

-PETITIONERS

V/S

SUMAN AND OTHERS

-RESPONDENTS

CORAM: HON'BLE MR. JUSTICE KULDEEP TIWARI

Present: Mr. A.V.S. Parmar, Advocate, for
Mr. S.K. Aggarwal, Advocate
for the petitioners.

Mr. Bhupender Singh, Addl. A.G., Haryana.

Mr. Sushane Puri, Advocate
for the respondent No.1.

KULDEEP TIWARI, J. (ORAL)

1. Through the instant writ petition, the petitioners, sexagenarian senior citizens, seek to challenge and set aside the order dated 08.08.2025 passed by the Appellate Tribunal, whereby the statutory appeal filed by respondent No.1 has been allowed, and the eviction order dated 09.01.2025 passed by the Maintenance Tribunal has been set aside.

2. Succinctly stated, the petitioners filed a petition under Sections 5 and 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 eviction of respondents No.1 and 2 (daughter-in-law and son) from the house in question. The Maintenance Tribunal allowed the petition vide order dated 09.01.2025 and directed the eviction of respondents No.1 and 2 from the house in question. Aggrieved thereby, respondent No.1 filed a statutory appeal before the Appellate

Tribunal, which has been allowed vide the impugned order dated 08.08.2025, resulting in setting aside of the eviction order.

3. At the outset, learned counsel for the petitioners draws the attention of this Court to a notification dated 17.04.2025, prescribing the composition of the Maintenance Tribunal and Appellate Tribunal for District Sirsa, 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 acting as their respective Chairmen. In the present case, however, the impugned order dated 08.08.2025 has been passed solely by the Additional Deputy Commissioner, who is not the designated competent authority under the notification (*supra*). Moreover, the impugned order has been rendered without the mandated coram, rendering it illegal and without jurisdiction. 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 the respondent No.1 do not dispute that the impugned order dated 08.08.2025 is vitiated as it has been passed *coram non judice*, learned counsel for the respondent No.1 submits that the order dated 09.01.2025 passed by the Maintenance Tribunal is similarly vitiated, having been passed solely by the Sub-Divisional Magistrate, without the prescribed coram.

5. Learned counsel for the respondent No.1 further submits that the issue whether eviction proceedings can be initiated against a daughter-in-law under the provisions of the Act of 2007 stands conclusively answered in the negative by a Division Bench of this Court in ***LPA-701-2018 (Babu Lal Sharma vs. Sushila Devi and others)***, decided on 15.12.2025, and, therefore, the eviction proceedings initiated against the respondent No.1 (petitioners' daughter-in-law) are wholly untenable.

6. Having considered the submissions of learned counsel for the parties and perused the record, this Court finds that the orders dated 09.01.2025 and 08.08.2025 have been passed by authorities lacking jurisdiction and lawful coram prescribed in the notification dated 17.04.2025. Consequently, both orders are a nullity in the eyes of law and cannot be sustained.

7. Accordingly, the **orders dated 09.01.2025 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. The parties shall cause appearance before the Maintenance Tribunal on 06.04.2026, whereupon the latter shall endeavour to decide the matter expeditiously, after affording adequate opportunity of hearing to all parties concerned.

8. Insofar as the issue “*Whether, in view of the judgment rendered in LPA-701-2018 (supra), proceedings initiated under the Act of 2007 against a daughter-in-law are maintainable?*” is concerned, the same is left open for adjudication by the Maintenance Tribunal while deciding the petition filed by the petitioners under the Act of 2007.

9. **Disposed of accordingly.**

March 20, 2026
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(KULDEEP TIWARI)
JUDGE

Whether speaking/reasoned : Yes/No

Whether Reportable : Yes/No