



CWP-1429-2026 &
CWP-1439-2026

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2026:PHHC:054479



IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

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CWP-1429-2026**Date of decision: 08.04.2026****SMT. SARITA****.... Petitioner****Vs.****APPELLATE TRIBUNAL CUM DEPUTY COMMISSIONER,
PALWAL AND OTHERS****.... Respondents****CWP-1439-2026****SMT. SARITA****.... Petitioner****Vs.****APPELLATE TRIBUNAL CUM DEPUTY COMMISSIONER,
PALWAL AND OTHERS****.... Respondents****CORAM: HON'BLE MR. JUSTICE KULDEEP TIWARI**

Present: Mr. Ishan Aggarwal, Advocate,
for the petitioner.

Mr. Kapil Bansal, D.A.G. Haryana
for respondents no.1 and 2.

Mr. Ravi Malik, Advocate,
for respondent No.3 in CWP-1429-2026

Mr. Mohan Singh Rana, Advocate,
for respondents no.4 to 6 in CWP-1429-2026

KULDEEP TIWARI, J (Oral)

1. Since both the petitions are arising out of common orders, and a common relief has been sought therein, therefore, being amenable for common decision, same are taken up together.

2. In pursuance to notice of motion issued, vide order dated 21.01.2026, Mr. Ravi Malik, Advocate, has caused appearance on behalf of respondent No.3, and Mr.Mohan Singh Rana, Advocate, has caused appearance on behalf of respondents no.4 to 6, through separate validly executed power of attorney in their favour. The same are taken on record.

3. The instant writ petition, as cast under Articles 226/227 of the



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Constitution of India, is directed against the order dated 02.12.2025 (Annexure P-4), passed by the learned Appellate Tribunal-cum-Deputy Commissioner, Palwal (respondent no.1), whereby, order dated 12.08.2024 (Annexure P-3), passed by the Chairman, Maintenance Tribunal-cum-SDO, Civil Palwal, has been set aside, and the petition under Section 23 of the Maintenance and Welfare of Parents and Senior Citizens Act, 2007 (for short, 'the Act of 2007'), has been allowed.

4. Learned counsel for the petitioner 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.*”**

<i>Appellate Tribunal, Palwal</i>		
<i>1</i>	<i>Deputy Commissioner</i>	<i>Chairman</i>
<i>2</i>	<i>Sh. Hem Raj Chauhan (Advocate) S/o Sh. Digamber Singh Chamber No. 64, Distt. & Session Court</i>	<i>Non-Official Member</i>



	Palwal 9991777460, hemrajchauhan@gmail.com	
3	Smt. Namita Tayal W/o Sh. R.K Tayal Ashray A-147-R, Arya Samaj Wali Gali, New Colony, Palwal 8053112233 namita.tayal@yahoo.com	Non-Official Member
Maintenance Tribunal, Palwal		
1	Sub Divisional Magistrate	Chairman
2	Sh. Surender Singh S/o Sh. Prabhudyal Vill. Ghugera Teh. & Distt. Palwal 9050998444	Non-Official Member
3	Sh. Subhash Chand Bansal Palwal 9416326420	Non-Official Member

5. 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 order dated 12.08.2024 (Annexure P-3) was passed solely by the Sub Divisional Magistrate Officer Civil, Palwal, thereby, lacking the mandatory *coram*, and this aspect has not been examined by the learned Appellate Authority concerned. Therefore, the appellate order dated 02.12.2025, also needs to be interfered with.

6. On the other hand, both learned counsel for the contesting respondents No.3 and respondents no.4 to 6, fairly concede that the impugned orders suffers from defect, and does not pass the test of legality.

7. In view of the notification (*supra*), and joint 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.

8. All the parties are directed to appear before the learned Maintenance Tribunal concerned on 30.04.2026 at 11.00 AM.

9. Since the application is of the year 2022, it is expected that the same shall be heard and decided by the complete *coram*, as per the notification (*supra*), as issued by the Government of Haryana, within a



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period of four months from the date of receipt of a certified copy of this order.

10. **Disposed of** accordingly.

11. A photocopy of this order be placed on the file of the connected case.

**(KULDEEP TIWARI)
JUDGE**

08.04.2026
dharamvir

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