

**CWP-14148-2023****IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH****(209)****CWP-14148-2023****Date of Decision : 11.05.2026**

Balwan

...Petitioner

Versus

State of Haryana and others

...Respondents

CORAM: HON'BLE MR. JUSTICE KULDEEP TIWARI

Present: Mr. Pradeep S. Sheoran, Advocate for the petitioner.

Mr. Neeraj Gupta, Addl. AG, Haryana
for respondents No.1 to 3.Mr. Raman Chawla, Advocate
for respondents No.4 and 5.

KULDEEP TIWARI, J. (ORAL)

1. The legality of order dated 12.12.2022 (Annexure P-7), as passed by learned Maintenance Tribunal-cum-Sub Divisional Magistrate, Siwani, District Bhiwani, as well as, order dated 04.05.2023 (Annexure P-8), passed by learned Appellate Tribunal-cum-Deputy Commissioner and District Magistrate, Bhiwani, has been put to challenge by the petitioner wherethrough, the appeal preferred by petitioner, under the Maintenance and Welfare of Parents and Senior Citizens Act, 2007 (for short 'the Act of 2007), was dismissed.

2. Learned counsel for the petitioner, has addressed the principle legal argument, to the effect, that impugned order(s) (Annexure P-7 and P-8), is void being *coram non judice*. He submits that Govt. of Haryana through the relevant notification dated 08.12.2020, issued by Social Justice, and

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Empowerment Department, has notified the composition of the learned Maintenance Tribunal, as well as, learned Appellate Authority, which is extracted hereinafter :-

Notification
08 December, 2020

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.*

3. In view of the notification (supra), both the Maintenance Tribunal and the Appellate Tribunal are required to comprise of three members, with Sub-Divisional Magistrate and the Deputy Commissioner/District Magistrate, acting as their respective Chairman

4. Learned counsel for the respondents, is unable to refute the submission, as made by learned counsel for the petitioner, to the effect, that the order(s) impugned, are *void* being *coram non judice*.

5. Before this Court examine the impugned order(s) on merits, let's first deal with the principle argument, as raised by the learned counsel for the petitioner. The impugned order(s) (Annexure P-7 and P-8), is admittedly, passed by an authority in their individual capacity, which is not notified, in view of the relevant notification dated 08.12.2020, issued by State of Haryana,

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therefore, the impugned order(s) (Annexure P-7 and P-8), is *per se* illegal, being *corum non judice*.

6. In view of the above, the impugned order dated 12.12.2022 (Annexure P-7), as passed by learned Maintenance Tribunal-cum-Sub Divisional Magistrate, Siwani, District Bhiwani, as well as, order dated 04.05.2023 (Annexure P-8), passed by learned Appellate Tribunal-cum-Deputy Commissioner and District Magistrate, Bhiwani, is hereby, **set aside** and the instant *lis* is **remitted** back to learned Maintenance Tribunal, constituted in view of the notification (*supra*), issued by the State of Haryana.

7. Both the parties are directed to cause appearance before learned Maintenance Tribunal concerned, on 25.05.2026 at 11:00 AM, whereupon, the latter shall make an endeavour to decide the instant *lis*, within a period of four months, from the date of receipt of certified copy of this order, after affording an adequate opportunity of hearing to the parties concerned.

8. Consequently, the instant writ petition is **disposed of**.

(KULDEEP TIWARI)
JUDGE

May 11, 2026

Manpreet

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