



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

(104)

**CWP No. 19678 of 2026
Date of Decision: 03.07.2026**

Manish Balhara

.....Petitioner

Versus

The Appellate Tribunal (Senior Citizens), Rohtak
and others

.....Respondents

CORAM: HON'BLE MS. JUSTICE KIRTI SINGH

Present: Mr. Karanveer Singh, Advocate and
Mr. C.M.Rathee, Advocate
for the petitioner.

KIRTI SINGH, J. (ORAL)

1. The present writ petition has been filed under Articles 226/227 of the Constitution of India for quashing of the order 15.5.2026 (Annexure P-1) passed by the learned Appellate Tribunal (Senior Citizens), Rohtak in Appeal No. 31/Senior Citizen/2025, whereby the appeal filed by respondent No. 3 has been allowed and the order passed by the learned Maintenance Tribunal/Sub-Divisional Magistrate, Rohtak dated 08.10.2025 (Annexure P-6) has been set aside.

2. Succinctly stated, respondent No. 3 instituted an application under Section 23 of the Maintenance and Welfare of Parents and Senior Citizens Act, 2007 (for short '*the Act of 2007*') before the Maintenance Tribunal/Sub Divisional Magistrate, Rohtak, seeking cancellation of the transfer deeds No. 18580 and 18581 and dated 26.2.2020 executed in favour of respondent No. 4 and the petitioner respectively. Vide order dated 08.10.2025 (Annexure P-6), the Maintenance Tribunal concerned dismissed



the said application. Aggrieved thereby, respondent No. 3 preferred a statutory appeal before the learned Appellate Tribunal, which was allowed vide impugned order dated 15.5.2026 (Annexure P-1). Being aggrieved therefrom, the petitioner has preferred the present writ petition before this Court.

3. At the outset, learned counsel for the petitioner draws the attention of this Court to Haryana Government's notification dated 17.11.2016, prescribing the composition of the Maintenance Tribunals and Appellate Tribunals, to submit that the impugned order dated 15.5.2026 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 15.5.2026 was passed in the absence of third member. Therefore, the said order was 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. Notice of motion.

5. Mr. Chirag Wadhwa, DAG, Haryana accepts notice on behalf of the respondents-State.

6. Mr. Manoj Makkar, Advocate puts in appearance on behalf of respondent No. 3 and files his memo of appearance, which is taken on record.

7. Learned State counsel and learned counsel for the respondent No. 3 do not dispute that the impugned order dated 15.5.2026 is vitiated as it was passed *coram non judice*.

8. Having considered the submissions of learned counsel for the parties and perused the record, this Court finds that the order dated 08.10.2025 (Annexure P-6) was passed by an authority lacking jurisdiction and lawful coram prescribed in the notification dated 17.11.2016. Consequently, the same is a nullity in the eyes of law and cannot be sustained.

9. Further, since the Appellate Tribunal overlooked the aforesaid infirmity that the order dated 08.10.2025 (Annexure P-6) was vitiated having been passed *coram non judice*, and proceeded to allow the appeal, the impugned order dated 15.5.2026 (Anneuxre P-1) is also unsustainable and



deserves interference.

10. Accordingly, the orders dated 08.10.2025 and 15.5.2026, passed respectively by the Maintenance Tribunal and the Appellate Tribunal, are hereby set aside. The matter is remanded to the Maintenance Tribunal for fresh adjudication in accordance with the provisions of the Act of 2007. The parties shall cause appearance before the Maintenance Tribunal on 13.7.2026, whereupon the latter shall endeavour to decide the matter expeditiously, but after affording adequate opportunity of hearing to all parties concerned.

11. Disposed of accordingly.

12. Pending miscellaneous application(s), if any, also stands disposed of.

(KIRTI SINGH)
JUDGE

July 03rd, 2026
Gurpreet Singh

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