



CWP-7741-2018

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2026:PHHC:074209



IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CWP-7741 of 2018

Date of decision: 12.05.2026

Smt. Premwati

.... Petitioner

Vs.

Shri Ram Dhn and others

.... Respondents

CORAM: HON'BLE MR. JUSTICE KULDEEP TIWARI

Present: Mr. M.R. Sharma, Advocate,
for the petitioner.

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

KULDEEP TIWARI, J (Oral)

1. The present writ petition, filed under Articles 226/227 of the Constitution of India, is directed against the order dated 19.07.2017 (Annexure P-1) passed by the learned Maintenance Tribunal, Faridabad, whereby the application filed by the petitioners (senior citizens) under the Maintenance and Welfare of Parents and Senior Citizens Act, 2007 (for short, "the Act of 2007") was dismissed, and the appeal preferred against the order (supra) was also dismissed by the learned Appellate Tribunal, Faridabad, vide its order dated 16.01.2018 (Annexure P-2).

2. Learned counsel for the parties are *ad idem* that, in view of Notification No.1373-SW(4)-2016, dated 17.11.2016, which prescribes the composition of the Maintenance Tribunals and the Appellate Tribunals, the impugned orders are rendered void being '*coram non judice*'. The relevant extract is reproduced hereinbelow:

"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. It is submitted that in terms of the notification (*supra*), both the Maintenance Tribunal and the Appellate Tribunal are required to comprise of 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 orders were passed solely by the Sub Divisional Magistrate, and District Collector, Faridabad, respectively, thereby lacking the mandatory coram.

4. In view of the notification (*supra*), this Court finds that the impugned orders 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. Both parties are directed to appear before the learned Maintenance Tribunal concerned on 27.05.2026 at 11.00 AM. It is expected that the application shall be heard and decided by the complete coram, as per the notification (*supra*), as issued by the Government of Haryana.

5. **Disposed of** accordingly.

(KULDEEP TIWARI)
JUDGE

12.05.2026
deepak

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