



2026:PHHC:046691

CWP-37014-2025

1

2026:PHHC:046691



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

CWP-37014 of 2025

Date of decision: 23.03.2026

Devi Singh

.... Petitioner

Vs.

**District Magistrate-cum-Chairman Appellate Tribunal, Jind, Distt. Jind
and others**

.... Respondents

CORAM: HON'BLE MR. JUSTICE KULDEEP TIWARI

Present: Mr. Suresh Ahlawat, Advocate,
for the petitioner.

Mr. Kapil Bansal, D.A.G. Haryana.

Mr. Munish Kumar Garg, Advocate, and
Mr. Yuwan Singla, Advocate,
for respondent No.3.

KULDEEP TIWARI, J (Oral)

1. The instant writ petition, filed under Articles 226/227 of the Constitution of India, is directed against the order dated 28.04.2023 (Annexure P-5), passed by the learned Maintenance Tribunal, whereby, an application preferred by the petitioner (senior citizen), under Section 22 of the Maintenance and Welfare of Parents and Senior Citizens Act, 2007 (for short, 'the Act of 2007'), was dismissed, thereby declining the relief of cancellation of transfer deed dated 11.11.2013 and 07.04.2016 executed in favour of respondent No.3. Further, order dated 30.09.2025 (Annexure P-7), is also assailed, whereby his appeal against the order (supra), has been dismissed.

2. Learned counsel for the petitioner-senior citizen 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, Jind</i>		
<i>1</i>	<i>Deputy Commissioner</i>	<i>Chairman</i>
<i>2</i>	<i>Sh. Balbir Singh Dhull #1236, U/E, Jind 9896821525</i>	<i>Non-Official Member</i>
<i>3</i>	<i>Sh. Pritam Singh (Retd.AP) #2122 U/E Jind 9996971992</i>	<i>Non-Official Member</i>
<i>Maintenance Tribunal, Jind</i>		
<i>1</i>	<i>Sub Divisional Magistrate</i>	<i>Chairman</i>
<i>2</i>	<i>Sh. Subhash Chand S/o Ram Sharan #140/19 Jain Nagar, Jind 9416485559</i>	<i>Non-Official Member</i>
<i>3</i>	<i>Sh. Surender Dhawan S/o Shankar Das #124/19 Jain Nagar, Jind 9255415991</i>	<i>Non-Official Member</i>

3. 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 orders were passed solely by the Sub Divisional Magistrate, and Deputy Commissioner, Jind, respectively,



2026:PHHC:046691

CWP-37014-2025

3

2026:PHHC:046691



thereby lacking the mandatory coram.

4. On the other hand, learned counsel for the contesting respondent No.3 fairly concedes that the impugned orders suffers from '*coram non judice*'.

5. In view of the notification (supra) and the admission made by the learned counsel for the contesting respondent No.3, 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. Both parties are directed to appear before the learned Maintenance Tribunal concerned on 08.04.2026 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.

6. **Disposed of** accordingly.

(KULDEEP TIWARI)
JUDGE

23.03.2026
deepak

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