

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

CWP-1234-2021 (O&M)

Date of decision: July 26, 2022

Hasan Mohd.

....Petitioner

versus

Sub Divisional Officer (Civil), Hathi and another

....Respondents

CORAM: HON'BLE MR. JUSTICE ARUN MONGA

Present: Mr. Gourav Jain, Advocate for the petitioner.

Mr. Saurabh Mohunta, DAG Haryana.

ARUN MONGA, J. (ORAL)

Petition herein, *inter alia*, is for issuance of a writ in the nature of Certiorari for quashing impugned order dated 16.12.2020 (Annexure P-8) passed by respondent No.1 under the Maintenance and Welfare of Parents and Senior Citizens Act, 2007, ordering cancellation of a registered document i.e., relinquishment deed by overlooking the findings returned by the learned Civil Court on the same issue and without giving any reason.

2. It transpires that during pendency of the writ petition, senior citizen-Respondent No.2, at whose instance, the Maintenance/ Appellate Tribunal had passed the impugned orders, has since expired, as conveyed by learned counsel for the petitioner. Therefore, the proceedings are rendered infructuous as senior citizen's right to seek benefit under the special statute abates on his death.

3. It is made clear that protection qua life and property accorded to a senior citizen was/is co-terminus with his/her life. Accordingly, parties/legal

heirs are left to seek their civil remedy as may otherwise be available under law, since they are not entitled to seek any benefit under the provisions of the Maintenance and Welfare of Parents and Senior Citizens Act, 2007.

4. It will be open to the heirs/ successors of the deceased senior citizen to challenge the impugned gift/ transfer of property by him. Such a challenge/ claim, if preferred, shall be adjudicated by competent court, in accordance with law, without being influenced by this order and/ or impugned order dated 16.12.2020 (Annexure P-8) passed by respondent No.1.

5. Disposed of.

(ARUN MONGA)
JUDGE

July 26, 2022

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Whether speaking/reasoned: Yes/No

Whether reportable: Yes/No