

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

CWP No. 5328 of 2022 (O&M)

Date of decision: 16.03.2022

Manjit Singh

...Petitioner

Versus

Additional District Magistrate-cum-Appellate Authority
and others

...Respondents

Coram : Hon'ble Mr. Justice Arun Monga

Present : Mr. Paramjit Singh Jammu, Advocate, for the petitioner.

Arun Monga, J. (Oral)

Prayer in the present writ petition is for setting aside the impugned order dated 08.02.2022 (Annexure P-4) vide which the application of the father of the petitioner, Shri Param Ram, seeking protection of life and property against the respondents no. 2 to 6 under the Maintenance and Welfare of Parents and Senior Citizens Act, 2007 was dismissed.

The Petitioner herein is the son of Shri Paras Ram, who in his old age had been allegedly turned out of the house by the private respondents. Aggrieved against the action of the private respondents, he filed an application seeking protection of life and property against the respondents no. 2 to 6 under the aforesaid Act. The application was allowed by respondent no. 1 vide order dated 13.02.2019 with directions to the respondents to vacate the house in question. The said order was challenged by filing CWP-4396 of 2020. The writ petition was disposed of vide order dated 23.02.2021 and the matter was remanded back to respondent no. 1 to decide the application afresh. Shri Paras Ram died on 09.01.2022.

Right of the senior citizen to invoke provisions of the Act *ibid* abates with his death. Tribunal below has rightly observed, that adjudicating on eviction proceedings after the death of a senior citizen would tantamount to an adjudication of the proprietary rights by a forum other than a civil court of competent jurisdiction. Accordingly, the writ petition is dismissed.

16.03.2022
VS

(Arun Monga)
Judge

Whether speaking/reasoned : Yes/No

Whether reportable : Yes/No