

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

CWP-11019-2019 (O&M)

Date of decision: August 02, 2022

Rajni Mago

....Petitioner

versus

State of Haryana and others

....Respondents

CORAM: HON'BLE MR. JUSTICE ARUN MONGA

Present: Mr. Simrandeep S. Sandhu, Advocate for the petitioner.

Mr. Gaurav Jindal, Additional AG 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 20.09.2018 (Annexure P-6) passed by respondent No.2 under Section 23 of the Maintenance and Welfare of Parents and Senior Citizens Act, 2007, whereby, appeal of respondent No.5 was partly allowed in a completely illegal manner and without affording due opportunity to the petitioner and especially when the said appeal and application filed by respondent No.5 was not maintainable.

2. It transpires that during pendency of the writ petition, senior citizen-Respondent No.5, 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/ otiose 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 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 the order passed by the Tribunal as also the impugned order dated 20.09.2018 (Annexure P-6) passed by respondent No.2.

5. Disposed of.

(ARUN MONGA)
JUDGE

August 02, 2022
mahavir

Whether speaking/reasoned: Yes/No

Whether reportable: Yes/No