

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

CWP-11500-2019

Date of decision: 05.08.2022

RAJINDER SINGH

...Petitioner

versus

GURCHARAN SINGH AND ORS

...Respondents

CORAM: HON'BLE MR. JUSTICE ARUN MONGA

Present:- Mr. Deepak Goyal, Advocate,
For the petitioner.

Mr. R.V.S. Chugh, Advocate,
For respondent No.1.

Mr. Suveer Sheokand, Additional AG, Punjab.

ARUN MONGA, J (ORAL)

Petition herein, *inter alia*, is for issuance of a writ in thenature of Certiorari for quashing impugned order dated 30.01.2018 (Annexure P-4) passed by Maintenance Tribunal vide which the transfer deed, of property in question, executed in favour of the petitioner was declared to be null and void and impugned appellate order dated 31.05.2018 (Annexure P-6) vide which the appeal filed by the petitioner, has been dismissed.

2. It transpires that during pendency of the writ petition, senior citizen-Respondent No.1, at whose instance, the Maintenance/Appellate Tribunal had passed the impugned orders, has since expired as conveyed by learned counsel for the respondent No.1, and therefore, the proceedings are rendered infructuous/ otiose assenior 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 orders dated 30.01.2018 (Annexure P-4) and 31.05.2018 (Annexure P-6).

5. Disposed of.

(ARUN MONGA)
JUDGE

August 05, 2022
vandana

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