

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

CWP-16835-2019 (O&M)

Date of decision: July 29, 2022

Pawan Kumar

....Petitioner

versus

Deputy Commissioner-cum-Presiding Officer,
and others

....Respondents

CORAM: HON'BLE MR. JUSTICE ARUN MONGA

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

Mr. K.K. Bheniwala, Additional AG, Punjab.

Mr. Sandeep Verma, Advocate for respondent No.4.

ARUN MONGA, J. (ORAL)

CM-4127-CWP-2021

At the outset, learned counsel for the applicant-petitioner seeks to withdraw the application.

Dismissed as withdrawn.

Main case (O&M)

Petition herein, *inter alia*, is for issuance of a writ in the nature of Certiorari for setting aside/ quashing order dated 26.02.2019 (Annexure P-6) passed by respondent No.1, and order dated 16.10.2018 (Annexure P-4) passed by respondent No.2 whereby, the transfer deed executed by respondent No.3 (mother of the petitioner) in favour of the petitioner has been cancelled.

2. It transpires that during pendency of the writ petition, senior citizen-Respondent No.3, at whose instance, the Maintenance/ Appellate Tribunal had passed the impugned orders, has since expired as conveyed by

learned counsel for the petitioner, and therefore, the proceedings are rendered infructuous/ otiose as senior citizen's right to seek benefit under the special statute abates on her 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 her. Such a challenge/ claim, if preferred, shall be adjudicated by competent court, in accordance with law, without being influenced by this order and/ or order dated 26.02.2019 (Annexure P-6) passed by respondent No.1, and order dated 16.10.2018 (Annexure P-4) passed by respondent No.2.

5. Disposed of.

6. Pending application, if any, including CM-13030-CWP-2021 for impleading LRs of Gomti Devi-respondent No.3 also stands disposed of, accordingly.

(ARUN MONGA)
JUDGE

July 29, 2022
mahavir

Whether speaking/reasoned: Yes/No

Whether reportable: Yes/No