

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

CWP-13211-2019

Date of decision: 16.05.2022

OM PRAKASH DUTTA (SINCE DECEASED)

...Petitioner

versus

STATE OF PUNJAB AND OTHERS

..Respondents

CORAM: HON'BLE MR. JUSTICE ARUN MONGA

Present:- Ms. Sunita Nambiar, Advocate,
for the petitioners.

Mr. Suveer Shoekand, Additional A.G., Punjab.

ARUN MONGA, J. (ORAL)

Petition herein, *inter alia*, is for issuance of a writ in the nature of Certiorari for quashing impugned order dated 10.01.2019 (Annexure P-2) passed by the Additional Deputy Commissioner (J)-cum- Additional District Magistrate, Ludhiana, under the Maintenance and Welfare of Parents and Senior Citizens Act, 2007/Rules 2009 whereby respondent No.2 has restored the sale deed No.283 dated 06.04.2017, sale deed No.280 dated 06.04.2017 & sale deed No.13187 dated 21.09.2016 which had been cancelled by learned Sub-Divisional Magistrate, Ludhiana (East) vide order dated 30.04.2018.

2. It transpires that during pendency of the writ petition, senior citizen-petitioner, at whose instance, the Maintenance Tribunal had passed the order, has since expired, and 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, impugned

order is set aside and 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.

5. Disposed of.

(ARUN MONGA)
JUDGE

May 16, 2022
vandana/mahavir

Whether speaking/reasoned: Yes/No

Whether reportable: Yes/No