

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

**CM-9761-CWP-2022 IN/AND
CWP-19460-2019 (O&M)
Date of decision: July 18, 2022**

Gurtej Singh

....Petitioner

versus

The Presiding Officer, Maintenance Tribunal-cum-Deputy
Commissioner and others

....Respondents

CORAM: HON'BLE MR. JUSTICE ARUN MONGA

Present: Mr. G.S. Benipal, Advocate and
Mr. Dushyant Sarvesh, Advocate for the petitioner.

Mr. Navdeep Chhabra, DAG Punjab.

Mr. Raj Kumar Rana, Advocate for respondent No.3.

ARUN MONGA, J. (ORAL)

Petition herein, *inter alia*, is for issuance of a writ in the nature of Certiorari for quashing impugned order dated 29.05.2019 (Annexure P-6) passed by respondent No.1, under the Maintenance and Welfare of Parents and Senior Citizens Act, 2007, whereby, appeal filed by respondent No.3 was accepted setting aside order dated 13.08.2018 (Annexure P-5) passed by respondent No.2, and transfer deed was 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 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 impugned order dated 29.05.2019 (Annexure P-6) passed by respondent No.1 and order dated 13.08.2018 (Annexure P-5) by respondent No.2.

5. Disposed of accordingly.

6. Pending applications including application for impleading the legal representatives of deceased respondent No.3, stand disposed of accordingly.

(ARUN MONGA)
JUDGE

July 18, 2022

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Whether speaking/reasoned: Yes/No

Whether reportable: Yes/No