

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

**CWP-21701-2017 (O&M)
Date of decision: July 20, 2022**

Sher Singh @ Rajinder Singh

....Petitioner

versus

State of Haryana and others

....Respondents

CORAM: HON'BLE MR. JUSTICE ARUN MONGA

Present: Mr. Krishan Singh, Advocate for the petitioner.

Mr. Saurabh Mohunta, DAG Haryana.

Mr. Namit Khurana, Advocate for respondents No.6 & 7.

ARUN MONGA, J. (ORAL)

Petition herein, *inter alia*, is for issuance of a writ in the nature of Certiorari for quashing impugned order dated 24.02.2015 (Annexure P-4) passed by respondent No.3, whereby application under Section 23 of the Maintenance and Welfare of Parents and Senior Citizens Act, 2007 for cancellation of sale-deeds in question was dismissed, and further for modification of order dated 21.10.2015 (Annexure P-6) whereby learned Appellate Tribunal directed respondent No.5 to return sale consideration to the petitioner which was received by her from respondents No.6 and 7, instead of cancelling the sale deeds in question.

2. It transpires that during pendency of the writ petition, senior citizen-petitioner, who challenged the impugned order passed by the Maintenance/ Appellate Tribunal, has since expired as conveyed by learned counsel for the petitioner. The proceedings are thus 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, 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 sale deeds in question. 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 24.02.2015 (Annexure P-4).

5. Disposed of accordingly.

(ARUN MONGA)
JUDGE

July 20, 2022
mahavir

Whether speaking/reasoned: Yes/No

Whether reportable: Yes/No