

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

**CWP-20266-2018 (O&M)**  
**Date of decision: July 20, 2022**

Harnek Singh since deceased through LRs

....Petitioners

versus

State of Punjab and others

....Respondents

**CORAM: HON'BLE MR. JUSTICE ARUN MONGA**

**Present:** Mr. Tejwinder S. Hundal, Advocate for  
Mr. Rahul Rampal, Advocate for the petitioners.

Mr. A.S. Salar, Advocate for respondent No.3.

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**ARUN MONGA, J. (ORAL)**

Petition herein, *inter alia*, is for issuance of a writ in the nature of Certiorari for quashing impugned order dated 25.05.2018 (Annexure P-7) passed by respondent No.2, whereby appeal filed by respondent No.3 (grandson of the petitioner) against setting aside of Vasika No.1763 dated 01.12.2013 was allowed and said Vasika stood restored reversing order dated 03.01.2018 (Annexure P-6) passed by Sub-Divisional Magistrate, Dhuri.

2. It transpires that in the interregnum, senior citizen, at whose instance the Maintenance Tribunal passed the order under the Maintenance and Welfare of Parents and Senior Citizens Act, 2007, has since expired. The present writ petition has been filed by the legal representatives of the senior citizen. The proceedings under the Act, *ibid* are thus rendered infructuous/otiose 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 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 order dated 25.05.2018 (Annexure P-7) passed by respondent No.1 and/or order dated 03.01.2018 (Annexure P-6) passed by Sub-Divisional Magistrate, Dhuri.

5. Disposed of.

6. Pending applications, if any, also stand disposed of accordingly.

**(ARUN MONGA)**  
**JUDGE**

**July 20, 2022**

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Whether speaking/reasoned: Yes/No

Whether reportable: Yes/No