

203-1

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CWP-5086-2016 (O&M)

Date of decision: July 27, 2022

Smt. Raksha Devi

....Petitioner

versus

Deputy Commissioner-cum-District Magistrate, Hoshiarpur
and others

....Respondents

CORAM: HON'BLE MR. JUSTICE ARUN MONGA

Present: Mr. R.S. Manhas, Advocate for the petitioner.

Mr. G.S. Jaswal, Advocate for LR's of 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 24.07.2015 (Annexure P-5) passed by respondent No.2-Sub Divisional Magistrate-cum-Presiding Officer, Maintenance Tribunal, Dasuya, District Hoshiarpur whereby, the transfer deeds executed by respondent No.3 (Senior Citizen) in favour of the petitioner has been cancelled under Section 23 of the Maintenance and Welfare of Parents and Senior Citizens Act, 2007, and for quashing of order dated 24.12.2015 (Annexure P-8) passed by respondent No.1-Appellate Authority.

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 respondent No.3, and therefore, the proceedings are

rendered infructuous/ otiose as senior citizen's right to seek benefit under the special statute abates on his/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 24.07.2015 (Annexure P-5) passed by respondent No.2 and order dated 24.12.2015 (Annexure P-8) passed by respondent No.1.

5. Disposed of.

(ARUN MONGA)
JUDGE

July 27, 2022
mahavir

Whether speaking/reasoned: Yes/No

Whether reportable: Yes/No