

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

Date of decision: July 20, 2022

1. CWP-5763-2016 (O&M)

Harinder Singh

....Petitioner

versus

The Sub Divisional Magistrate-cum-Presiding Officer
and others

....Respondents

2. CWP-13313-2018 (O&M)

Jasveer Singh

....Petitioner

versus

State of Punjab and others

....Respondents

CORAM: HON'BLE MR. JUSTICE ARUN MONGA

Present: Mr. Mansur Ali, Advocate,
Mr. Imran A. Ali, Advocate,
Mr. L.S. Sidhu, Advocate for the petitioner(s).

Mr. N.K. Manchanda, Advocate
for respondent No.2 (iii) in CWP-5763-2016.

Mr. Rajinder Goyal, Advocate
for respondent No.3 in CWP-13313-2018.

Ms. Harleen Ahluwalia, Advocate
for respondents No.4 and 5 in CWP-5763-2016.

ARUN MONGA, J. (ORAL)

Vide this common order and judgment, I intend to dispose of the above-mentioned two writ petitions since not only the facts are similar but the law points and the issue raised therein are also common. For brevity, facts are being taken from CWP-5763-2016.

Petition herein, *inter alia*, is for issuance of a writ in the nature of Certiorari for quashing impugned order dated 09.12.2015 (Annexure P-4) under the Maintenance and Welfare of Parents and Senior Citizens Act, 2007, whereby, respondent No.1 cancelled the Gift Deed document No.2453 dated 09.09.2015 regarding property measuring 78 Kanals 12½ Marla, and held that documents No.2537 and 2538 dated 16.09.2015 have no value because sale deeds in favour of petitioner Harinder Singh and others were got prepared/ executed after execution of gift deed.

2. It transpires that during pendency of the writ petition, senior citizen-Respondent No.2 Daya Singh, 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 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 09.12.2015 (Annexure P-4) passed by respondent No.1.

5. Concededly, a Civil Suit was filed by the petitioner-Jasveer Singh, in whose favour alleged gift deed was executed, during the lifetime of the Senior Citizen, which is stated to have been dismissed, though after his death. Be that as it may, appeal has already been preferred against the said dismissal of the suit. Parties are at liberty to thrash out their differences and establish their rights before the first Appellate Court which is seized of the matter. It is made clear, as aforesaid, that passing of the order by the Tribunal shall not come in the way of deciding the case on merits.

6. Disposed of.

7. A photocopy of this order be placed on the connected case file.

(ARUN MONGA)
JUDGE

July 20, 2022

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Whether speaking/reasoned: Yes/No

Whether reportable: Yes/No