

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

CWP-21291-2020 (O&M)

Date of decision: May 26, 2022

Balwant Singh

....Petitioner

versus

Appellate Tribunal-cum-District Magistrate, Sangrur
and others

....Respondents

CORAM: HON'BLE MR. JUSTICE ARUN MONGA

Present: Mr. Vikas Mehsempuri, Advocate for the petitioner.

Mr. Abhay Pal Singh Gill, AAG Punjab.

Mr. J.S. Bhinder, 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 orders dated 23.01.2020 (Annexure P-5) and dated 22.10.2020 (Annexure P-8) passed by respondents No.1 and 2, respectively, under Section 23 of the Maintenance and Welfare of Parents and Senior Citizens Act, 2007, whereby, respondent No.2 has ordered cancellation of transfer deed and mutation, despite the fact that respondent No.3 had already filed suit for declaration and possession, with regard to transfer deed, which has been dismissed vide order dated 05.10.2019 (Annexure P-4).

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, 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 orders dated 23.01.2020 (Annexure P-5) and dated 22.10.2020 (Annexure P-8) passed by respondents No.1 and 2, respectively.

5. Disposed of.

(ARUN MONGA)
JUDGE

May 26, 2022
mahavir

Whether speaking/reasoned: Yes/No

Whether reportable: Yes/No