

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

CWP-348-2018 (O&M)

Date of decision: July 18, 2022

Dinesh Kumar and another

....Petitioners

versus

District Magistrate/ Appellate Tribunal and others

....Respondents

CORAM: HON'BLE MR. JUSTICE ARUN MONGA

Present: Mr. Jyoti Parshad Sharma, Advocate for the petitioners.

Ms. Mamta Singla Talwar, DAG Haryana.

Mr. Jai Bhagwan Sharma, Advocate for

Mr. Anand Bhardwaj, Advocate for respondents No.3 and 4.

ARUN MONGA, J. (ORAL)

Petition herein, *inter alia*, is for issuance of a writ in the nature of Certiorari for quashing impugned orders dated 26.09.2016 (Annexure P-4) and dated 04.09.2017 (Annexure P-6) passed by respondents No.2 and 1, respectively, under the Maintenance and Welfare of Parents and Senior Citizens Act, 2007, whereby, cancellation of transfer deed has been ordered.

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 the petitioners, 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 26.09.2016 (Annexure P-4) and dated 04.09.2017 (Annexure P-6) passed by respondents No.2 and 1, respectively.

5. Disposed of accordingly.

(ARUN MONGA)
JUDGE

July 18, 2022

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Whether speaking/reasoned: Yes/No

Whether reportable: Yes/No