

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

CWP-22707-2020 (O&M)

Date of decision: May 19, 2022

Nirmal Singh and another

....Petitioners

versus

The Appellant Tribunal-cum-District Magistrate,
Sangrur and another

....Respondents

CORAM: HON'BLE MR. JUSTICE ARUN MONGA

Present: Mr. Mohd. Salim, Advocate for the petitioners.

ARUN MONGA, J. (ORAL)

Petition herein, *inter alia*, is for issuance of a writ in the nature of Certiorari for quashing the impugned order dated 26.11.2020 (Annexure P-5) passed by respondent No.1 whereby the appeal filed by respondent No.2 has been accepted illegally, arbitrary, unconstitutional and against the principle of natural justice.

2. It is stated that during pendency of the writ petition, senior citizen-father, who had invoked the protected provisions of the Maintenance and Welfare of Parents and Senior Citizens Act, 2007, has expired. In view thereof, writ petition is not maintainable as the said Act is made only for Senior citizen and legal heirs/ other family members, who may be aggrieved against the orders passed under the statute, cannot invoke the provisions to seek any remedy.

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 the impugned order dated 26.11.2020 (Annexure P-5) passed by respondent No.1-Appellate Tribunal.

5. Disposed of, accordingly.

(ARUN MONGA)
JUDGE

May 19, 2022
mahavir

Whether speaking/reasoned: Yes/No

Whether reportable: Yes/No