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IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CWP-31550-2019 (O&M)
Date of decision: 31.05.2022

SUKHWINDER KAUR

...Petitioner

versus

NARATA RAM AND ORS

...Respondents

CORAM: HON'BLE MR. JUSTICE ARUN MONGA

Present:- Mr. P.S. Sekhon, Advocate and
Mr. Gaurav, Advocate for
For the petitioner.

Mr. Amit Kumar Walia, Advocate,
For LR of respondent No.1.

Ms. Akshita Chauhan, AAG, Punjab.

ARUN MONGA, J (ORAL)

CM-2937-CWP-2022

Application is allowed, as prayed for.

Reply along with Annexures R-1 to R-10 is taken on record
subject to all just exceptions.

Main case

Petition herein, *inter alia*, is for issuance of a writ in the nature of certiorari to quash order dated 27.03.2019 (Annexure P-1) passed by learned Tribunal-cum-Sub-Divisional Magistrate Sangrur under Maintenance and Welfare of Parents and Senior Citizen Act 2007 and also to quash order dated 04.09.2019 (Annexure P-2) passed by learned Appellate Tribunal-cum-District Magistrate Sangrur.

2. It transpires that during pendency of the writ petition, senior citizen-Respondent No.1, 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 27.03.2019 (Annexure P-1) and dated 04.09.2019 (Annexure P-2) passed by respondents No.4 and 3, respectively.

5. Disposed of.

(ARUN MONGA)
JUDGE

May 31, 2022
Vandana

Whether speaking/reasoned:	Yes/No
Whether reportable:	Yes/No