

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CWP-25050-2018

Date of Decision: 09.08.2022

SMT. PALO @ RAJINDER AND OTHERS

...Petitioners

Versus

DISTRICT MAGISTRATE AND ANOTHER

...Respondents

CORAM: HON'BLE MR. JUSTICE ARUN MONGA

Present : Mr. Vikram Singh Rao, Advocate
for the petitioners.

Mr. Saurabh Mohunta, D.A.G., Haryana.

Mr. Rajesh K. Garg, Advocate
for respondent No.2.

ARUN MONGA, J. (ORAL)

Petition herein, *inter alia*, is for issuance of a writ in the nature of Certiorari for quashing impugned order dated 03.07.2018 (Annexure P-3) passed by respondent No.1 under Section 22(2) of the Maintenance and Welfare of Parents and Senior Citizens Act, 2007, whereby, the petitioners have been directed to vacate the house and handover the same to respondent No.2.

2. It transpires that during pendency of the writ petition, senior citizen-Respondent No.2, at whose instance, the Maintenance/ Appellate Tribunal had passed the impugned order, has since expired as conveyed by learned counsel for respondent No.2, 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 seek adjudication of their civil rights. Such a claim, if preferred, shall be adjudicated by competent court, in accordance with law, without being influenced by this order and/ or impugned order dated 03.07.2018 (Annexure P-3) passed by respondent No.1.

5. Disposed of.

August 09, 2022

gurpreet

(ARUN MONGA)

JUDGE

Whether speaking/reasoned:

Yes/No

Whether reportable:

Yes/No