

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

CWP-30619-2018 (O&M)

Date of decision: August 02, 2022

Col. Satish Chander Mago (Retd.)

....Petitioner

versus

The Presiding Officer-cum-sub Divisional Magistrate of Maintenance and Welfare of Parents and Senior citizen Tribunal, District Gurugram, North and others

....Respondents

CORAM: HON'BLE MR. JUSTICE ARUN MONGA

Present: Ms. Rohini Bedi, Advocate for
Mr. Bhavnik Mehta, Advocate,
For the petitioner.

Mr. Saurabh Mohunta, DAG, Haryana.

Mr. Simrandeep S. Sandhu, 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 order dated 25.10.2017 (Annexure P-3) whereby application filed by the Senior Citizen-petitioner under the Maintenance and Welfare of Parents and Senior Citizens Act, 2007 seeking directions to the respondents to vacate the flat in question was dismissed and further to modify the order dated 20.09.2018 (Annexure P-5) whereby the Appellate Authority modified the order passed by the Maintenance Tribunal to the effect that Transfer Deed No.14273 dated 08.09.2014 which was executed in favour of his wife, was declared as void and property was purchased directly in the name of respondent No.1.

2. It transpires that during pendency of the writ petition, senior citizen-petitioner, at whose instance, the Maintenance/ Appellate Tribunal had passed the impugned orders, has since expired as conveyed by learned counsel appearing for the petitioner. Therefore, the proceedings are rendered infructuous/ otiose 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 25.10.2017 (Annexure P-3) and dated 20.09.2018 (Annexure P-5).

5. Disposed of.

6. Pending application, if any, shall also stand disposed of.

(ARUN MONGA)
JUDGE

August 02, 2022

vandana

Whether speaking/reasoned:

Yes/No

Whether reportable:

Yes/No