

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

CWP-317-2020 (O&M)

Date of decision: August 10, 2022

Rattan Kumar and another

....Petitioners

versus

State of Punjab and others

....Respondents

CORAM: HON'BLE MR. JUSTICE ARUN MONGA

Present: Mr. L.S. Mann, Advocate for the petitioners.

Mr. Suvir Sheokand, Additional AG, Punjab.

ARUN MONGA, J. (ORAL)

Petition herein, *inter alia*, is for issuance of a writ in the nature of Certiorari for quashing impugned orders dated 03.06.2019 (Annexure P-3) and dated 16.10.2019 (Annexure P-5) passed under Section 23 of the Maintenance and Welfare of Parents and Senior Citizens Act, 2007, whereby, petition of respondent No.3-Senior Citizen has been accepted and transfer deed has been ordered to be cancelled, and appeal filed by the petitioners has been dismissed.

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/ otiose as senior citizen's right to seek benefit under the special statute abates on his/her 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 her. 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 03.06.2019 (Annexure P-3) and dated 16.10.2019 (Annexure P-5).

5. Disposed of.

(ARUN MONGA)
JUDGE

August 10, 2022
mahavir

Whether speaking/reasoned: Yes/No

Whether reportable: Yes/No