



CWP-20039-2022

-1-

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

214

CWP-20039-2022

Date of Decision :13.01.2025

Sandeep Singh and another**...Petitioners****Versus****Ld. Appellate Tribunal-cum-District Magistrate
Malerkotla and others****....Respondents****CORAM: HON'BLE MR. JUSTICE HARSIMRAN SINGH SETHI**

Present: Mr. Sunny K. Singla, Advocate for the petitioners.

Ms. Akshita, Chauhan, DAG, Punjab.

Mr. Jai Bhagwan, Advocate for respondent No.3.

* * *

Harsimran Singh Sethi, J. (Oral)

1. Learned counsel for the petitioners submits that respondent No.3 has already died and hence, the order passed under the Maintenance and Welfare of Parents and Senior Citizens Act, 2007 (for short '2007 Act') qua the cancellation of sale in favour of the petitioner so as to revert the property to respondent No.3, has been rendered infructuous.

2. Learned counsel appearing for respondent No.3 concedes the fact the respondent No.3 has already died but submits that as there are other children of respondent No.3 and the property belongs to respondent No.3, a liberty be given to the other children that in case they have any grievance qua the transfer of said property in favour of petitioners, they can avail appropriate remedy before the Civil Court.



CWP-20039-2022

-2-

3. Learned counsel for the petitioner submits that he has no objection in case any of his sibling, who has any grievance, avails appropriate remedy before the Civil Court qua the property in question.

4. Keeping in view the above, as respondent No.3 has already died coupled with the fact that requirements of Section 23 of the 2007 Act in the said order in cancelling the transfer deed have not been proved keeping in view the judgment of the Hon'ble Supreme Court of India in **Civil Appeal No.174-2021 titled as Sudesh Chhikara vs. Ramti Devi and another, decided on 06.12.2022**, impugned orders will not be given effect to subject to any litigation initiated by the other children of respondent No.3 qua the property in question before the appropriate forum.

5. Present petition is disposed of in above terms.

January 13, 2025
aarti

(HARSIMRAN SINGH SETHI)
JUDGE

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