

**CWP-4319-2022 (O&M)****1****IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH****(208)****CWP-4319-2022 (O&M)****Date of Decision : January 20, 2025****Bijender Pal****.. Petitioner****Versus****State of Haryana and others****.. Respondents****CORAM: HON'BLE MR. JUSTICE HARSIMRAN SINGH SETHI****Present:** Mr. Vijay Pal, Advocate, for the petitioner.

Mr. Gaurav Jindal, Addl. Advocate General, Haryana.

Mr. Sanjiv Gupta, Advocate, for respondents No. 4 and 5.

Mr. Manoj Chauhan, Advocate and
Mr. Pankaj Chauhan, Advocate, for respondents No. 6 to 8.**HARSIMRAN SINGH SETHI J. (ORAL)**

1. Learned counsel appearing on behalf of the senior citizen/respondent submits that the transfer deed was fraudulent, as he was not made aware of the transfer of the said deed but something else was told to him which itself proves that the transfer deed on the basis of which, the ownership is being claimed by the petitioner, is not valid.

2. Learned counsel for the petitioner submits that in the petition under Section 23 of the Maintenance and Welfare of Parents and Senior Citizens Act, 2007 (hereinafter referred as '2007 Act'), by availing summary proceedings, the respondents wanted to get the sale deed cancelled and the same can only be done in case the provisions of Section 23 of 2007 Act are proved.

3. Faced with this situation, learned counsel appearing on behalf

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of the senior citizen/respondent submits that he will not get the impugned order passed in his favour executed but liberty be given to him to avail appropriate remedy before the Civil Court qua the same transfer of land under the relevant provisions of law on the ground of fraud and misrepresentation.

4. Learned counsel for the petitioner submits that in view of the statement given by the counsel for the respondent that he is not going to get the impugned order executed with liberty to avail appropriate remedy before the Civil Court, the present writ petition has been rendered infructuous and the same may kindly be disposed of as such.

5. Keeping in view the above statement on behalf of senior citizen, the impugned order dated 17.08.2021 (Annexure P-7) is set aside with liberty to the senior citizen to avail appropriate remedy before the Civil Court qua the claim that the transfer of the land in favour of the petitioner was fraudulent.

6. Keeping in view the fact that the impugned order has been set aside, any portion of the land sold by the senior citizen on the basis of impugned order, will revert back to the petitioner subject to the outcome of the civil suit which the senior citizen intends to file.

7. The present writ petition is disposed of in above terms.

8. Civil miscellaneous application pending if any, also stands disposed of.

January 20, 2025*harsha***(HARSIMRAN SINGH SETHI)****JUDGE**

Whether speaking/reasoned : Yes

Whether reportable : No