



239 IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CM-568-LPA-2023 in/and
LPA-193-2023 (O&M)
Date of Decision : 27.04.2026

MEHAR KAUR (SINCE DECEASED) THROUGH LRS
.....Appellants

VERSUS
GURTEJ SINGH AND OTHERSRespondents

CORAM: HON'BLE MR. JUSTICE HARSIMRAN SINGH SETHI
HON'BLE MR. JUSTICE YASHVIR SINGH RATHOR

Present: Mr. Gagandeep Singh Sirpikhi, Advocate
for the appellants.

Mr. Kartik Bansal, Advocate for respondent No.1.

HARSIMRAN SINGH SETHI, J. (Oral)

CM-567-LPA-2023

Present application has been filed for impleading the legal heirs
of the appellant-Mehar Kaur.

Keeping in view the contents mentioned in the application, the
same is allowed. The LR's of the appellant are impleaded as party to the
present appeal only for the purpose of pursuing the present litigation.

Registry is directed to make necessary changes in the memo of
parties by impleading the LR's of the appellant as party to the present appeal.

CM-568-LPA-2023

Present application has been filed for condoning the delay of
174 days in filing the appeal.

Keeping in view the contents mentioned in the application, the same is allowed.

Delay of 174 days in filing the appeal is condoned.

LPA-193-2023 (O&M)

1. In the present appeal, challenge is to the order dated 18.07.2022 passed by the learned Single Judge in CWP No. 19460 of 2019, by which the writ petition filed by respondent No.1 herein, challenging the order dated 29.05.2019, whereby the transfer deed was cancelled, has not been decided on merits on the ground that respondent No.1-Senior Citizen has died.

2. It may be noticed that during the pendency of the writ petition, the impugned order dated 29.05.2019 passed by the authorities under the Maintenance and Welfare of Parents and Senior Citizens Act, 2007 (hereinafter referred to as “2007 Act), was passed in favour of respondent No.1-Senior Citizen, though the same is under challenge before this Court.

3. Even if respondent No. 1-Senior Citizen has died, the issue with regard to the validity of the order passed in favour of respondent No.1-Senior Citizen was required to be decided. As per the order dated 29.05.2019 passed by the authorities under the 2007 Act, the transfer of the property was held to be bad and hence, the transfer deed in favour of the respondent No.1 herein, was quashed. However, since the learned Single Judge, while passing the order dated 18.07.2022, has not decided the validity of the impugned order hence, the matter deserves to be remanded to the learned Single Judge for adjudication of the present writ petition on merits, including the question as to whether or not the main order impugned in the writ petition is valid.

4. Learned counsel for the respondent No.1 raises no objection.
5. Ordered accordingly.
6. Pending miscellaneous application(s), if any, shall stand disposed of.

(HARSIMRAN SINGH SETHI)
JUDGE

27-04-2026
Sapna Goyal

(YASHVIR SINGH RATHOR)
JUDGE

NOTE: Whether speaking/ reasoned: YES
Whether reportable: NO