

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

101

CWP-32791-2025

Date of Decision : February 20, 2026

NORAJ

-PETITIONER

V/S

STATE OF HARYANA AND OTHERS

-RESPONDENTS

CORAM: HON'BLE MR. JUSTICE KULDEEP TIWARI

Present: Mr. Balkar Singh, Advocate
for the petitioner.

Mr. Bhupender Singh, Addl. A.G., Haryana
for the respondents No.1 to 4.

Mr. Pranab Bansal, Advocate, for
Mr. Surender Saini, Advocate
for the respondents No.5 and 6.

None for the respondents No.7 to 9.

KULDEEP TIWARI, J. (ORAL)

1. It has come to the notice of this Court that in paragraph 2 of the interim order dated 12.02.2026, it has inadvertently been recorded that the Power of Attorney was executed by the respondents No. 8 and 9 in favour of Mr. Surender Saini, Advocate, whereas, in fact, the same was executed by the respondents No.5 and 6. This error, being purely clerical/typographical in nature, stands corrected. The Registry is directed to carry out the necessary corrections.

2. Despite due service, none has caused appearance on behalf of the respondents No.7 to 9. Accordingly, the said respondents are proceeded against *ex parte*.

3. The present writ petition embodies two substantive prayers:

(i) for issuance of a direction to the respondents No.1 to 4 to register the property of late Maan Singh in favour of the petitioner on the basis of the registered Will dated 16.04.2025; and (ii) for setting aside the order dated 29.07.2025 passed by the respondent No.2- Appellate Tribunal, in exercise of powers under Section 16 of the Maintenance and Welfare of Parents and Senior Citizens Act, 2007 (hereinafter referred to as “the Act of 2007”).

4. At the outset, this Court queried learned counsel for the petitioner as to the maintainability of the writ petition insofar as it seeks a direction for execution/implementation of a Will. Learned counsel, having been unable to satisfy the Court on this aspect, seeks leave to withdraw the said prayer, with liberty to avail appropriate remedy before the competent forum/tribunal.

5. Leave is granted to withdraw the first prayer, with liberty (*supra*).

6. With regard to the second prayer, learned counsel for the petitioner submits that the impugned order is vitiated in law, having been passed against a deceased senior citizen. It is contended that Maan Singh passed away during the pendency of the statutory appeal and this fact was within the knowledge of the Appellate Tribunal, yet no steps were taken to implead his legal representatives, and the appeal was decided in their absence.

7. Learned counsel representing the respondents No.5 and 6 as well as the learned State counsel collectively submit that since the impugned order has been passed by a quasi-judicial authority, no reply is required to be filed, and they would address arguments on the basis of the available

record.

8. Learned counsel for the respondents No.5 and 6 contends that the Appellate Tribunal has rightly set aside the order dated 15.01.2025 passed by the Maintenance Tribunal, as the application filed by the senior citizen under the Act of 2007 had, in fact, been instituted at the behest of respondents No.7 to 9. It is further contended that the essential ingredients for attracting Section 23 of the Act of 2007 are wholly absent and, therefore, the Maintenance Tribunal erred in annulling the transfer deed whereby the property in question had been transferred by the senior citizen in equal shares to his five grandsons.

9. However, learned counsel for the respondents No.5 and 6 fairly concedes that the demise of Maan Singh occurred during the pendency of the appeal and no steps were taken to implead his legal representatives.

10. This Court has heard the submissions advanced by learned counsel for the parties and has also perused the record.

11. In the considered opinion of this Court, the impugned order does not warrant examination on merits, as it stands vitiated by a patent legal infirmity. The impugned order has been passed against a deceased senior citizen without taking steps to bring his legal representatives on record, which strikes at the very root of the proceedings. On this short ground alone, **the impugned order dated 29.07.2025 is set aside, and the matter is remanded to the Appellate Tribunal for fresh adjudication after impleadment of the legal representatives of late Maan Singh.** The parties shall appear before the Appellate Tribunal on 06.03.2026, whereupon the latter shall endeavour to decide the matter expeditiously,

preferably within four months thereafter, after affording due opportunity of hearing to all concerned.

12. Disposed of accordingly.

February 20, 2026
devinder

(KULDEEP TIWARI)
JUDGE

Whether speaking/reasoned : Yes/No
Whether Reportable : Yes/No