



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

(206)

**CWP No. 15381 of 2023
Date of Decision: 08.07.2026**

Deepak Jain

.....Petitioner

Versus

District Magistrate and Chairman Appellate Tribunal, Yamunanagar and
others

.....Respondents

CORAM: HON'BLE MS. JUSTICE KIRTI SINGH

Present: Mr. Vishal Sharma, Advocate
for the petitioner.

Mr. Kapil Bansal, DAG, Haryana

Mr. Udit Garg, Advocate
for respondent Nos.3 and 4.

Mr. R.S. Budhwar, Advocate
for respondent No.5.

Ms. Vaishali Kamboj, Advocate
for respondent No.6.

KIRTI SINGH, J. (ORAL)

1. The present writ petition has been filed under Article 226 of the Constitution of India for quashing of the impugned order dated 19.10.2020 (Annexure P-7) passed by the learned Maintenance Tribunal, whereby the petition filed by the deceased-Darshan Lal Jain, senior citizen was accepted and the arbitration award as well as family settlement entered into between the private parties was set aside. A further prayer has also been made for quashing of the impugned order dated 09.02.2023 (Annexure P-10) passed by the learned Appellate Tribunal, whereby the appeal filed by the petitioner



has been dismissed as infructuous on account of death of senior citizen.

2. Learned counsel for the petitioner submits that the impugned order passed by the Maintenance Tribunal is wholly without jurisdiction and deserves to be quashed in exercise of writ jurisdiction. Learned counsel contends that the dispute in the instant case was not one relating to neglect or refusal to maintain a senior citizen, but one seeking annulment of a Memorandum of Family Settlement dated 29.08.2008 and the arbitral award dated 11.09.2008, which had attained finality and under which all parties had been placed in possession of their respective shares. It is contended that such an award could be challenged only in accordance with Section 34 of the Arbitration and Conciliation Act, 1996, and not contested before the tribunal. Moreover, there was no stipulation in the family settlement or arbitral award making transfer of property conditional upon providing maintenance or basic amenities to the transferor. Therefore, the essential ingredients of Section 23 of the Maintenance & Welfare of Parents and Senior Citizens Act, 2007 (hereinafter referred as the 'Act') were also absent.

3. It is further argued that the Appellate Tribunal committed a manifest error in declining to examine the legality of the Tribunal's order solely on the ground that the senior citizen had expired during the pendency of the appeal. Learned counsel contends that since the controversy pertained to the validity of the cancellation of a family settlement and arbitral award affecting valuable proprietary rights, the cause survived the death of the original applicant and the appeal ought to have been decided on merits. The impugned orders are, therefore, liable to be set aside.

4. Per contra, learned counsel for the private respondents opposed the prayer and submitted that the learned Appellate Tribunal was well within its jurisdiction in concluding that since the senior citizen Sh. Darshan Lal



Jain had expired, hence the proceedings could not be continued. In this regard reliance is placed on the judgment passed by the learned Division Bench of this Court in ***LPA No.2402-2017***, decided on 21.07.2023, titled as '***Gurdeep Singh and others V. Sub Divisional Magistrate-cum-Presiding Officer and another***' and the judgment passed by the Kerala High Court in ***W.A. No.264 of 2020***, decided on 17.02.2020, titled as '***Antony Scaria V. The District Collector, Kottayam and The Maintenance Appellate Tribunal, Collectorate and others***'.

5. I have heard the learned counsel for the parties and have gone through the record with their able assistance.

6. The principal grievance of the petitioner is directed against the order of the Appellate Tribunal declining to entertain the appeal on account of the demise of the original applicant, late Sh. Darshan Lal Jain. The challenge proceeds on the premise that notwithstanding the death of the senior citizen, the appellate proceedings ought to have continued for adjudication of the legality of the order passed by the Maintenance Tribunal. However, this Court is unable to accept the said contention. Proceedings under the Act are intended to secure the welfare of senior citizens during their lifetime. Once the senior citizen, at whose instance such proceedings were initiated, ceases to survive, the very substratum of the proceedings stands extinguished. The mere circumstance that the proceedings incidentally involved the validity of a family settlement or an arbitral award does not alter their essential character.

7. In this regard, a gainful reference can also be made to the observations passed by the Division Bench of this Court in ***Gurdeep Singh's case (supra)***, relevant portion whereof reads thus:

"8. Perusal of order dated 19.02.2020 passed in this

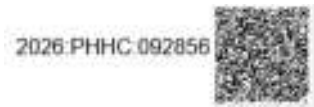


*case reveals that legal representatives of respondent No.2 were allowed to be impleaded after the death of respondent No.2-Nand Singh. It has been held by Coordinate Bench of this Court in case **CWP-317-2020—Rattan Kumar and another Vs. State of Punjab and others** and **CWP-6669-2022—Davinder Singh Vs. Appellate Tribunal-cum-District Magistrate, Sangrur and others**, that when the senior citizen at whose instance, the Maintenance/Appellate Tribunal had passed the impugned orders expired, then the proceedings are rendered infructuous/otiose, as senior citizen's right to seek benefit under the special statute abates on his/her death. The protection qua life and property accorded to a senior citizen is co-terminus with his/her life and the parties/ legal heirs were left to seek their civil remedy as may otherwise be available under law, by holding that they were not entitled to seek any benefit under the provisions of the Act, 2007.”*

8. Viewed in the aforesaid light, the petitioner cannot insist upon continuation of proceedings under the Act for adjudication of questions which no longer survive within the statutory framework after the demise of the original applicant. The Appellate Tribunal, therefore, committed no error in holding that the appeal had become infructuous.

9. Trite to say that this Court while exercising jurisdiction under Articles 226/227 of the Constitution of India does not sit as an appellate Court to re-appreciate factual findings in the absence of any manifest illegality or perversity. The petitioner has failed to demonstrate any jurisdictional error, violation of principles of natural justice or patent illegality, warranting any interference by this Court.

10. Accordingly, finding no merit in the present petition, the same is dismissed, leaving it open to the parties to avail such remedies as may be available to them in law for adjudication of their respective civil and proprietary rights.



11. Pending miscellaneous application(s), if any, also stands disposed of.

(KIRTI SINGH)
JUDGE

July 08th, 2026
Ithlesh

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