



IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 15TH DAY OF DECEMBER, 2025

BEFORE

THE HON'BLE MR. JUSTICE E.S.INDIRESH

WRIT PETITION NO. 12731 OF 2022 (GM-RES)

BETWEEN:

1. SRI. D.T. MURTHAPPA
S/O THIMMAPPA
AGED ABOUT 61 YEARS,
RESIDING AT CHIKKUDA VILALGE,
SANTHEBENNUR HOBLI,
CHANNAGIRI TALUK
DAVANAGERE DISTRICT - 577 552.

2. SRI. D.T. CHANDRAPPA
S/O THIMMAPPA
AGED ABOUT 46 YEARS
RESIDING AT CHIKKUDA VILLAGE,
SANTHEBENNUR HOBLI,
CHANNAGIRI TALUK
DAVANAGERE DISTRICT - 577 552.

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Location: HIGH
COURT OF
KARNATAKA

(BY SRI. RAVINDRA V.S, ADVOCATE)

...PETITIONERS

AND:

1. SMT. ANUSUYAMMA
W/O MAHESWARAPPA
AGED ABOUT 66 YEARS
RESIDING AT CHIKKUDA VILLAGE,
SANTHEBENNUR HOBLI,
CHANNAGIRI TALUK



DAVANAGERE DISTRICT - 577 522.

2. TEH DEPUTY COMMISSIONER
OFFICE OF THE DEPUTY COMMISSIONER
DAVANAGERE DISTRICT - 577 522.
3. THE ASSISTANT COMMISSIONER
OFFICE ASSISTANT COMMISSIONER
DAVANAGERE DISTRICT - 577 522.
4. SRI. D.T. NATARAJ
S/O THIMMAPPA
AGED ABOUT 51 YEARS
RESIDING AT CHIKKUDA VILLAGE,
SANTHEBENNUR HOBLI,
CHANNAGIRI TALUK,
DAVANAGERE DISTRICT - 577 522.

...RESPONDENTS

(BY SRI. S.K. KALLEGOWDA, ADVOCATE FOR R1;
SRI. MAHANTESH SHETTAR, AGA FOR R2 AND R3;
SRI. D.J. NATARAJ, ADVOCATE FOR R4)

THIS WP IS FILED UNDER ARTICLES 226 AND 227 OF THE CONSTITUTION OF INDIA PRAYING TO QUASH THE IMPUGNED ORDER DTD 13.05.2022 PASSED BY THE R2 IN CASE NO.HE.NA.KA.AA.C.R.08/2021-22, ON THE APPEAL BEING FILED BY THE PETITIONERS U/S 23 OF THE MAINTENANCE AND WELFARE OF PARENTS AND SENIOR CITIZENS ACT 2007 AS PER ANNEXURE-H AND CONSEQUENTLY QUASH THE IMPUGNED ORDER DTD 03.01.2022, PASSED BY THE R3 IN CASE NO.HE.NA.C.R.27/2020-21 ON THE PETITION BEING FILED BY THE R1 AGAINST THE PETITIONERS U/S 23 OF THE



MAINTENANCE AND WELFARE OF PARENTS AND SENIOR CITIZENS ACT 2007 AS PER ANNEXURE-G AND ETC.,

THIS PETITION, COMING ON FOR PRELIMINARY HEARING IN 'B' GROUP, THIS DAY, ORDER WAS MADE THEREIN AS UNDER:

CORAM: HON'BLE MR. JUSTICE E.S.INDIRESH

ORAL ORDER

In this writ petition, petitioners are assailing the order dated 13.05.2022 passed by respondent No. 2 in Appeal No. CR-08/2021-22, filed under Section 23 of the Maintenance and Welfare of Parents and Senior Citizens Act, 2007 (hereinafter referred to as 'Act') as per Annexure- H and Order dated 03.01.2022, passed by respondent No.3 in Sa.Hi.Na.C.R.27/2020-21, (Annexure G) to the writ petition.

2. Heard Sri. Ravindra V.S, learned counsel for the petitioners, Sri. S.K.Kallegowda, learned counsel for respondent No.1, Sri. Mahantesh Shettar, learned Additional Government Advocate for respondent Nos.2 and 3 and Sri. D.J.Nataraj, learned counsel for respondent No.4.



3. It is submitted by the learned counsel appearing for the petitioners that, respondent No.1 is the sister of petitioners and respondent No.4. The respondent No.1 herein had executed registered Gift Deed dated 12.10.2020 (Annexure-B) in favour of the petitioners herein voluntarily and there is no condition as to taking care of respondent No.1 in the aforementioned Gift Deed and therefore it is contended by the learned counsel appearing for the petitioners that the proceedings before the respondent-authorities are not maintainable under the Act. Accordingly, sought for interference of this Court.

4. *Per contra*, Sri. S.K.Kallegowda, learned counsel appearing for the respondent No.1, sought to justify the impugned order passed by the respondent-Authorities and submitted that, the Gift Deed at Annexure-B has been executed by respondent No.1. Taking into consideration that the petitioners herein have to take care of the needs of respondent No.1 and accordingly sought to justify the impugned orders.



5. Sri. Mahantesh Shettar, learned Additional Government Advocate sought to support the impugned orders passed by the respondent-authorities.

6. In the light of the submissions made by the learned counsel appearing for the parties, it is not in dispute as to the fact that respondent No.1 herein had executed the registered Gift Deed dated 12.10.2020 in favour of the petitioners herein as per Annexure-B to the writ petition.

7. The recitals in the Gift Deed would indicate that as respondent No.1 herein has given a promise to the petitioners and also for the well being of the petitioners, respondent No.1 has executed the registered Gift Deed in favour of the petitioners herein.

8. In that view of the matter, following the declaration of law made by the Hon'ble Supreme Court in the case of **Urmila Dixit -vs- Sunil Sharan Dixit and others** reported in **2025 IN SC 20** wherein paragraph 23 reads as under:-

"23. The Appellant has submitted before us that such an undertaking stands grossly unfulfilled, and in her petition under Section 23, it has been averred that there is a break-down of peaceful relations inter se the



parties. In such a situation, the two conditions mentioned in Sudesh (supra) must be appropriately interpreted to further the beneficial nature of the legislation and not strictly which would render otiose the intent of the legislature. Therefore, the Single Judge of the High Court and the tribunals below had rightly held the Gift Deed to be cancelled since the conditions for the well-being of the senior citizens were not complied with. We are unable to agree with the view taken by the Division Bench, because it takes a strict view of a beneficial legislation".

9. Following the declaration of law made by the Hon'ble Supreme Court in the above case and also in the case of ***Sudesh Chhikara -vs- Ramti Devi and Another*** reported in ***AIR ONLINE SC 1357***. I am of the view that as there is no recital in the Gift Deed at Annexure-B, that the petitioners herein have to take care of the respondent No.1, I am of the view that the proceedings under the Act itself is not maintainable before the respondent-authorities.

Accordingly, I pass the following:-

ORDER

- i. Writ petition is ***allowed***.



- ii. Order dated 13.05.2022 at Annexure H and Order dated 03.01.2022 at Annexure-G passed by the respondents-authorities herein are hereby quashed.

SD/-
(E.S.INDIRESH)
JUDGE

VS
List No.: 1 Sl No.: 33