



IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 19TH DAY OF DECEMBER, 2025

BEFORE

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

WRIT PETITION NO. 22304 OF 2023 (GM-RES)

BETWEEN:

1. SRI. T.J. VENKATASWAMY
S/O LATE D JAVARASHETTY
AGED 77 YEARS
C/O J.P SHANAKR,
NO.2, MUTHUT FINANCE BUILDING,
MAIN ROAD,
MARIYAPPANAPALYA CIRCLE,
JNANABHARTHI POST,
BENGALURU - 560 056.

...PETITIONER

(BY SRI. K R NAGARAJA, ADVOCATE)

AND:

Digitally signed
by ARUNKUMAR
M S
Location: HIGH
COURT OF
KARNATAKA

1. SMT. C H RUDRAMMA
W/O VENKATASWAMY
R/AT NO.875/4,
NEHARU EXTENSION,
KUSHALANAGAR-571234.
2. SMT. T.V. VEENA,
D/O T.J. VENKATASWAMY,
W/O D.V. SHESHIKUMAR,
R/AT NO. 1053, 6TH MAIN,
MARIYAPPANAPALYA,
JNANABHARATHI POST,
BENGALURU - 560056.



3. SRI T. V RAVI
S/O VENKATASWAMY,
R/AT NO. 875/4,
NEHARU EXTENSION,
KUSHALNAGAR-571234.
4. THE BENGALURU DISTRICT
MAINTENANCE AND WELFARE OF PARENTS AND
SENIOR CITIZEN CITIZENS
APPELLATE TRIBUNAL
REPRESENTED BY SPECIAL
DEPUTY COMMISSIONER -I,
BENGALURU - 560009.
5. THE ASSISTANT COMMISSIONER/ TRIBUNAL FOR
MAINTENANCE AND WELFARE OF PARENTS AND
SENIOR CITIZENS ACT
BENGALURU SOUTH SUB-
DIVISION,
BENGALURU-560009.

...RESPONDENTS

(BY SRI. GANAPATHI C V.,ADVOCATE FOR R1 TO R3;
SRI. MAHANTESH SHETTAR, AGA FOR R4 & R5)

THIS WRIT PETITION IS FILED UNDER ARTICLES 226
AND 227 OF THE CONSTITUTION OF INDIA PRAYING TO
QUASH THE IMPUGNED ORDER PASSED BY THE APPELLATE
TRIBUNAL / RESPONDENT NO.4 DATED 06/09/2023 IN
MAG(4)/SC/CR/23/2021-22 AS PER ANNEXURE-F AND DISMISS
THE APPEAL OF RESPONDENTS BY CONFIRMING THE ORDER
OF FIFTH RESPONDENT DATED 17/11/2020 VIDE ANNEX-D IN
CASE NO.MSC/SC/CR/09/2019-20.



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

1. In this Writ Petition, the petitioner is assailing the order dated 06.09.2023 passed by respondent No.4 (Annexure-F) inter alia, sought for confirmation of the order passed by respondent No.5 at Annexure-D dated 17.11.2020.
2. Heard Sri. K.R. Nagaraja, learned counsel for the petitioner, Sri. Ganapathi C.V., learned counsel for the respondent Nos.1 to 3, and Sri. Mahantesh Shettar, learned Additional Government Advocate appearing for respondent Nos.4 and 5.
3. It is contended by Sri. K.R. Nagaraja, learned counsel appearing for the petitioner by inviting the attention of the Court to S.23 of the Maintenance and Welfare of Parents and Senior Citizens Act, 2007 (hereinafter referred to as 'the Act') as well as the Judgment of this Court in W.A.No.254/2024



disposed of on 20.12.2024, and contended that, the respondent No.4 has no jurisdiction to entertain the appeal under the provisions of the Act and accordingly, sought for allowing the Writ Petition.

4. Per contra, Sri. Ganapathi C.V., learned counsel for respondent Nos.1 to 3, submitted that respondent No.1 is the wife of the petitioner and also she is a senior citizen and therefore, the appellate authority has jurisdiction to entertain the appeal under the Act and accordingly, sought for dismissal of the Writ Petition.

5. Learned Additional Government Advocate sought to justify the impugned order at Annexure-F.

6. In the light of the submissions made by the learned counsel appearing for the parties, it is forthcoming from the Writ Petition that the petitioner herein had executed the gift deed dated 17.01.2018 in favour of respondent No.1 as per Annexure-A to the Writ Petition. It is also to be noted that Release Deed dated 01.03.2018 (Annexure-B) was executed by the petitioner herein in favour of respondent No.2. It is also not in dispute that the petitioner herein has presented petition



under Sections 5 and 23 of the Act, seeking to declare that the Gift Deed dated 17.01.2018 and Release Deed dated 01.03.2018 are null and void, and respondent No.5, by order dated 17.11.2020, allowed the petition preferred by the petitioner herein. Feeling aggrieved by the same, the respondents herein had filed appeal under S.16 of the Act before respondent No.4 and respondent No.4, by Order dated 06.09.2023 (Annexure-F), allowed the appeal in part and modified the order passed by respondent No.5. Feeling aggrieved by the same, the petitioner has preferred this Writ Petition.

7. The Division Bench of this Court, by considering the scope and ambit of S.16 of the Act in W.A.No.254/2024 at paragraph Nos.14 and 15, arrived at the conclusion that the appellate jurisdiction under S.16 of the Act has to be invoked only by a transferor / senior citizen or a parent who has gifted / transferred the property in question.

8. Taking into consideration the judgment of the Division Bench of this Court in the aforementioned appeal along with the observation made at para 14 makes it clear that the



Appellate Authority has no jurisdiction to entertain the appeal under S.16 of the Act and pass order as per Annexure-F. Applying the principles laid down by the Division Bench of this Court to the facts of the case on hand, the gift deed dated 17.01.2018 (Annexure-A) and the release deed dated 01.03.2018(Annexure-B) executed in favour of respondent No.2 have to be held as null and void. Therefore, I find force in the submission made by the learned counsel appearing for the petitioner and accordingly, pass the following:

ORDER

(i) The Writ Petition is allowed.

(ii) The order dated 06.09.2023 (Annexure-F) passed by respondent No.4 is hereby set aside. Consequently, the order dated 17.11.2020 (Annexure-D) passed by respondent No.5 stands confirmed.

**SD/-
(E.S.INDIRESH)
JUDGE**

sac List No.: 1 Sl No.: 22