



CNR: KAHC010116832021

NC: 2026:KHC:48028
WP No. 5592 of 2021

IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 3RD DAY OF SEPTEMBER, 2026

BEFORE

THE HON'BLE MR. JUSTICE M.G.S. KAMAL

WRIT PETITION NO. 5592 OF 2021 (GM-RES)

BETWEEN:

SRI H R NAGARAJU
S/O. LATE H R RENUKAPPA,
AGED ABOUT 44 YEARS
R/O. HEBBUR,
NEAR PUTTANAYAKANAPALYA CIRCLE,
HEBBUR HOBLI,
TUMAKURU TALUK
AND DISTRICT -572120.

...PETITIONER

(BY SRI. M B CHANDRACHOODA, ADV.)

AND:

Digitally signed by
NANJUNDACHARI
Location: High
Court of Karnataka

1. THE ASSISTANT COMMISSIONER
THE CHAIRMAN,
COMPETENT AUTHORITY,
TUMAKURU SUB DIVISION,
TUMAKURU -572101.
2. SMT. MANGALA GOWRAMMA
W/O. LATE. H R RENUKAPPA,
AGED ABOUT 65 YEARS
R/AT 3RD CROSS, S S CIRCLE,
ASHOKNAGAR- 572102,
TUMAKURU (CMC),
TUMAKURU.
3. SRI. H R MALLIKARJUNA
S/O. LATE. H R RENUKAPPA,



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AGED ABOUT 45 YEARS
R/AT 3RD CROSS, SS CIRCLE,
ASHOKNAGAR- 572102,
TUMAKURU (CMC), TUMAKURU.

...RESPONDENTS

(BY SRI. SRINIVAS KUMAR M., AGA FOR R1
SRI VISHWANATH R. HEGDE, ADV. FOR R2 & R3)

THIS PETITION IS FILED UNDER ARTICLES 226 AND 227 OF THE CONSTITUTION OF INDIA, IS PRAYING TO QUASH THE ORDER DATED 02.01.2021 PASSED BY THE ASSISTANT COMMISSIONER AND THE CHAIRMAN AND COMPETENT AUTHORITY, TUMAKURU SUB-DIVISION, TUMAKURU, VIDE ANNEXURE-H.

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

CORAM: HON'BLE MR. JUSTICE M.G.S. KAMAL

ORAL ORDER

The petitioner is before this Court being aggrieved by the order dated 02.01.2021 passed by respondent No.1 – Assistant Commissioner in exercise of his powers under Section 23 of the Maintenance and Welfare of Parents and Senior Citizens Act, 2007 (for short, 'the Act') in terms of which, deed of gift dated 23.06.2020, executed by his father, Sri.H.R.Renukappa has been held to be null and void and accordingly the same has been cancelled.



2. Learned counsel for the petitioner submits that father of the petitioner Sri.H.R.Renukappa passed away on 28.11.2020 during the pendency of said proceedings before the Assistant Commissioner. Upon his demise, the matter before the Assistant Commissioner ought to have come to an end.

3. Learned counsel further submits that the Assistant Commissioner proceeded further as respondent No.2 – the mother of the petitioner was already as a party- petitioner No.2 in the said proceedings. The matter was listed on 02.01.2021 on which date, the petitioner was present and sought for time to file statement of objections. Without accommodating any time whatsoever, on the very same day the Assistant Commissioner has passed the impugned order. Thus, on these two counts, the impugned order is unsustainable. That apart, he further submits that there is no clause in the gift deed as contemplated under Section



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23 of the Act. Thus, even on merits the petition is not maintainable.

4. In response, learned counsel for the respondent – mother refers to unnumbered paragraph No.2 of the impugned order and submits that after filing of the petition, a conciliation was held and since the petitioner herein had neither responded nor had filed his statement of objections, the Assistant Commissioner had proceeded to pass the impugned order. Therefore, he submitted there is no irregularity or illegality in the order.

5. Heard learned counsel appearing for the parties and perused the records.

6. Admittedly, Sri.H.R.Renukappa, the father of the petitioner who had executed the deed of gift passed away during the pendency of the proceedings. The proceedings however continued since his wife Smt.Mangalagowramma was already a party respondent No.2. It is now submitted



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by learned counsel for the petitioner that even Smt.Mangalagowramma is also passed away on 22.12.2021. That apart, the certified copy of the order sheet maintained by respondent No.1 – Assistant Commissioner indicates that the matter was listed on 02.01.2021 on which date, it is noted as under:

"Petitioner-wife present.

Petitioner has died recently.

P2 present in person.

R present in person.

R prays time for objections, 15 days given.

02.01.2021 order passed."

Clearly, no opportunity of any nature whatsoever is granted to the petitioner. Nonetheless, in the light of demise of both the father and mother of the petitioner, possibility of remitting the matter for fresh consideration would also not arise. Hence, the following:

ORDER

- a) Writ petition is allowed.



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b) Impugned order bearing No.ಪಾಪೋಸಂ
ಹಾಗೂ ಕಿಲಿಯ ನಾ.ರ.ಕಾ.ಸಂ:30/20-21 dated
02.01.2021 passed by respondent No.1 -
Assistant Commissioner (Annexure-H) is
quashed.

Sd/-
(M.G.S. KAMAL)
JUDGE

NC
CT:bms
List No.: 1 Sl No.: 17