



IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 14TH DAY OF JULY, 2026

PRESENT

THE HON'BLE MR. VIBHU BAKHRU, CHIEF JUSTICE

AND

THE HON'BLE MRS. JUSTICE K.S. HEMALEKHA

WRIT APPEAL NO.412 OF 2025 (GM-RES)

BETWEEN:

SRI C. ARASOJI RAO
S/O LATE C. CHIDAMBAR RAO,
AGED ABOUT 80 YEARS,
R/AT NO.51/1, KENCHANHALLI VILLAGE,
RAJARAJESHWARI NAGAR,
BENGALURU-560098.

...APPELLANT

(BY SRI. K.P. BHUVAN, ADVOCATE)

AND:

1. THE BANGALORE DISTRICT MAINTENANCE & WELFARE OF PARENTS & SENIOR CITIZENS APPELLANT TRIBUNAL & SPECIAL DEPUTY COMMISSIONER-1
BANGALORE NORTH SUB-DIVISION
BANGALORE-560009.
2. THE CHAIRMAN,
MAINTENANCE & WELFARE OF PARENTS & SENIOR CITIZENS TRIBUNAL &
ASSISTANT COMMISSIONER BENGALURU
SOUTH SUB DIVISION AT BENGALURU-560001.
3. SMT. PARVATHI BAI,
W/O NARASIMHA MURTHY,
D/O LATE VENKU BAI,
AGED ABOUT 60 YEARS,

Digitally signed
by C K LATHA
Location: High
Court of
Karnataka



R/AT NO.89, 1ST MAIN, 2ND CROSS,
KENCHENAHALLI, R.R. NAGAR,
BENGALURU-560096.

4. SRI. KRISHNA RAO,
S/O LATE VENKU BAI,
AGED ABOUT 52 YEARS,
5. SHIVAJI RAO
S/O LATE VENKU BHAI,
AGED ABOUT 50 YEARS,

RESPONDENT NOS.4 & 5
BOTH ARE R/AT 58, 17TH CROSS,
9TH MAIN ROAD, PADARAYANAPURA,
BANGALORE-560026.

6. SMT. PADMA BAI,
D/O LATE VENKU BAI,
AGED ABOUT 54 YEARS,
7. SMT. KAMALA BAI
D/O LATE VENKU BABU,
AGED ABOUT 47 YEARS,

RESPONDENT NOS.6 & 7
BOTH ARE R/AT NO.58,
17TH CROSS, 9TH MAIN ROAD,
PADARAYANAPURA,
BANGALORE-560026.

...RESPONDENTS

(BY SMT. B. SUKANYA BALIGA, AGA, FOR R-1 & R-2;
SRI. K. NAGENDRA KUMAR, ADVOCATE FOR R-3 & R-5)

THIS WRIT APPEAL IS FILED UNDER SECTION 4 OF THE KARNATAKA HIGH COURT ACT, PRAYING TO SET ASIDE THE ORDER OF THE LEARNED SINGLE JUDGE DATED 13.02.2025 PASSED IN W.P.NO.386/2023 SETTING ASIDE THE ORDER PASSED BY THE 2ND RESPONDENT DATED 05.04.2022 AND REMANDING THE MATTER BACK TO THE 2ND RESPONDENT FOR FRESH DISPOSAL ON THE QUESTION OF MAINTAINABILITY AND ALLOW W.P.NO.386/2023 AS PRAYED FOR; CONSEQUENTLY TO CONFIRM THE ORDER DATED 05.04.2022 PASSED BY THE 2ND RESPONDENT IN MSC(SC) CR NO.07/2020-21 VIDE ANNEXURE-C.



THIS APPEAL, COMING ON FOR ORDERS, THIS DAY,
JUDGMENT WAS DELIVERED THEREIN AS UNDER:

CORAM: HON'BLE MR. VIBHU BAKHRU, CHIEF JUSTICE
and
HON'BLE MRS. JUSTICE K.S. HEMALEKHA

ORAL JUDGMENT

(PER: HON'BLE MR. VIBHU BAKHRU, CHIEF JUSTICE)

1. The appellant has filed the present appeal impugning an order dated 13.02.2025 [**impugned order**] passed by the learned Single Judge in Writ Petition No. 386/2023 (GM-RES).
2. The appellant is a senior citizen and had filed a petition under Sections 5 and 23 of the Maintenance and Welfare of Parents and Senior Citizens Act, 2007 [**the Act**] before the Assistant Commissioner, Bengaluru South Sub-Division (the Tribunal). He claimed that his wife and children were neglecting to maintain him, and therefore he was residing with his two sisters. He claims that a partition took place in the year 2015, whereby a portion of immovable property (**the subject property**) fell to his share. He executed two gift deeds dated 17.04.2017, gifting two portions of the subject property to his two sisters. The appellant complained that immediately after he had executed the gift deeds,



his sisters also started neglecting him and, therefore, he is now left with no one to look after him.

3. In the aforesaid context, he sought cancellation of the gift deeds executed in favour of his sisters. The Assistant Commissioner allowed the petition by an order dated 05.04.2022 and cancelled both the gift deeds. One of the donees, Smt. Venku Bai, the appellant's sister, had expired prior to the institution of the said petition and respondent Nos. 4 to 7 are her children. Aggrieved by the aforesaid order dated 05.04.2022, respondent No.3 (the surviving donee) and respondent Nos. 4 and 5 preferred an appeal before the Special Deputy Commissioner-I, Bengaluru North Sub Division, the Appellate Authority constituted under Section 15 of the Act.

4. The Special Deputy Commissioner allowed the appeal *inter alia* on the ground that the gift deeds did not contain any recital to the effect that they had been executed subject to the condition that the donees (the appellant's sisters) would provide the basic amenities and basic physical needs to the appellant.

5. Aggrieved by the same, the appellant filed the writ petition, *inter alia*, on the ground that the appeal preferred before the



Special Deputy Commissioner was not maintainable. His contention was that the appeal under Section 16 of the Act is available only to a senior citizen and not to any other person. He also relied on the decision of a coordinate Bench of this Court in **K.Lokesh vs The Bangalore District Maintenance and Welfare of Parents and Senior Citizens Appellate Tribunal and Special Deputy Commissioner-1, Bengaluru North Sub-Division, Bengaluru and Others¹**.

6. The learned Single Judge accepted the said contentions and quashed the order dated 23.11.2022 passed by the Special Deputy Commissioner. However, the learned Single Judge was further of the view that it was incumbent upon the Assistant Commissioner to have first considered the very maintainability of the appellant's petition and accordingly set aside the order dated 05.04.2022 passed by the Assistant Commissioner and remanded the matter to the said authority for consideration afresh.

7. According to the appellant, the learned Single Judge ought to have confined the order to setting aside the order dated 23.11.2022 passed by the Special Deputy Commissioner and ought not to have

¹ 2025 (3) Kar.L.J 73.



interfered with the order dated 05.04.2022 passed by the Assistant Commissioner.

8. *Stricto sensu*, there may be merit in the appellant's grievance that his writ petition was confined to challenging the order of the Special Deputy Commissioner, and therefore the order dated 05.04.2022 passed by the Assistant Commissioner ought not to have been interfered with. However, the learned Single Judge noted the issue of the maintainability of the appellant's petition before the Assistant Commissioner and was accordingly persuaded to remand the matter to the Assistant Commissioner. We may also note that in **K.Lokesh** (*supra*), while the court held that an appeal before the Special Deputy Commissioner is available only to a senior citizen or a parent, it also observed that the other private respondents, if aggrieved by the order of the Assistant Commissioner, would have recourse to the remedy under Article 226 of the Constitution of India. Thus, accepting the appellant's contention in the given facts would merely relegate the private respondents to that remedy. Given the nature of the issues raised by the private respondents, we do not consider it appropriate to interfere with the impugned order.



9. However, considering the age of the appellant, we direct the Assistant Commissioner to dispose of the appellant's petition as expeditiously as possible and preferably within a period of two months from date.

10. We also clarify that the direction issued by the learned Single Judge, restraining the private respondents from dealing with or alienating the properties in dispute, shall remain in force until the matter is reconsidered by the Assistant Commissioner.

11. The appeal is dismissed with the aforesaid observations. The pending application also stands disposed of.

**Sd/-
(VIBHU BAKHRU)
CHIEF JUSTICE**

**Sd/-
(K.S. HEMALEKHA)
JUDGE**