



CNR: KAHC010308722025

NC: 2026:KHC:45460
WP No. 15999 of 2025

IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 24TH DAY OF AUGUST, 2026

BEFORE

THE HON'BLE MR. JUSTICE T.P.VIVEKANANDA

WRIT PETITION NO. 15999 OF 2025 (GM-RES)

BETWEEN:

1. SMT. RASHMI
AGED ABOUT 40 YEARS,
S/O. LATE.SRI. SANJAY,
R/AT JATTENAHALLI VILLAGE,
SHRAVANABELAGOLA HOBLI,
CHANNARAYAPATNA TALUK,
HASSAN DISTRICT 573 116.

...PETITIONER

(BY SRI. BHAGAT VENKATESH R., ADVOCATE)

AND:

1. SMT. KAMALA J.S
AGED ABOUT 73 YEARS,
S/O. LATE.SRI.LAVA,
R/AT JATTENAHALLI VILLAGE,
SHRAVANABELAGOLA HOBLI,
CHANNARAYAPATNA TALUK,
HASSAN DISTRICT - 573 116.
2. THE MAINTENANCE TRIBUNAL FOR WELFARE OF
PARENTS AND SENIOR CITIZENS
OFFICE OF THE ASSISTANCE COMMISSIONER,
HASSAN SUB DIVISION, HASSAN -573201
BY ITS ASSISTANT COMMISSIONER.

Digitally signed
by PAVITHRA B
Location: HIGH
COURT OF
KARNATAKA



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3. THE DEPUTY COMMISSIONER
AND APPELLATE AUTHORITY UNDER THE
MAINTENANCE AND WELFARE OF PARENTS AND
SENIOR CITIZENS ACT, 2007.
OFFICE OF THE DEPUTY COMMISSIONER
HASSAN DISTRICT, HASSAN-573 201.

...RESPONDENTS

(BY SRI. H MOHAN KUMAR., ADVOCATE FOR R1;

SMT. NAVYA SHEKAR, AGA FOR R2 & R3)

THIS WP IS FILED UNDER ARTICLES 226 AND 227 OF
CONSTITUTION OF INDIA PRAYING TO - CALL FOR THE
RECORDS PERTAINING TO IMPUGNED ORDER DATED
11.11.2024 PASSED IN NO. DATED 11.11.2024 BY THE R2 THE
MAINTENANCE TRIBUNAL FOR WELFARE OF PARENTS AND
SENIOR CITIZENS AT ANNEXURE -A. QUASH IMPUGNED ORDER
DATED 11.11.2024 PASSED IN NO. *in No.ಓ.ನಾ.ರ.76/2023-24*
DATED 11.11.2024 BY THE RESPONDENT NO-2 THE
MAINTENANCE TRIBUNAL FOR WELFARE OF PARENTS AND
SENIOR CITIZENS AT ANNEXURE -A BY ALLOWING THIS WP.

THIS WRIT PETITION IS COMING ON FOR PRELIMINARY
HEARING, THIS DAY, ORDER WAS MADE THEREIN AS UNDER:

CORAM: HON'BLE MR. JUSTICE T.P.VIVEKANANDA

ORAL ORDER

The petitioner is before this court seeking for the
following reliefs:

*a. Call for the records pertaining to impugned order
dated 11.11.2024 passed in No.ಓ.ನಾ.ರ.76/2023-24 dated
11.11.2024 by the respondent No.2, the Maintenance
Tribunal for Welfare of Parents and Senior Citizens at
Annexure-'A';*



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b. Issue Writ of certiorari or any other Writ or Order or Direction quashing impugned Order dated 11.11.2024 passed in No ಹಿ.ನಾ.ರ.76/2023-24 dated 11.11.2024 by the respondent No.2, the Maintenance Tribunal for Welfare of Parents and Senior Citizens at Annexure-'A' by allowing this Writ petition;

c. Grant such other Writ, Order or direction as this Hon'ble Court may deem fit to grant under the facts and circumstances of the case in the interest of justice and equity;

2. The petitioner is the wife of late Sanjay, who is also the son of the respondent No.1. The husband of the petitioner died on 09.02.2020. The properties, which are the subject matter of the present proceedings were standing in the name of the husband of the petitioner. After the death of the late.Sanjay, the first respondent - mother had approached the second respondent- The Maintenance Tribunal for Welfare of Parents and Senior Citizens (for short 'Tribunal') invoking the provisions of Section 23(1) of Maintenance and Welfare of parents and Senior Citizens Act, 2007 (for short 'Act'), seeking transfer of revenue entries into her name on the ground that upon the death of her son Sanjay, she is entitled to succeed the properties in question.



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3. The second respondent conducted the proceedings and passed an order on 11.11.2024 (Annexure - A) directing the transfer of revenue entries to the name of the first respondent purported to be in exercise of power under Section 23(1) of the Act.

4. The order passed by the second respondent is called in question in the present writ petition, contending that the second respondent - Tribunal had no jurisdiction or authority to entertain a petition for transfer of revenue entries.

5. Section 23(1) of the Act empowers the second respondent - Tribunal to annul the registered instrument executed by the transferor, if the said instrument was executed with a condition that the transferee shall provide the basic amenities and basic physical needs to the transferor. Such an instrument may be annulled where the transferee refuses or fails to provide such amenities and financial support to the transferor. In the present case, the respondent No.1 - mother does not contend that the husband of the petitioner had the revenue entries transferred in his favour pursuant to any registered instrument containing a condition requiring him to maintain the first respondent.



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6. In the light of the fact that the properties claimed by the petitioner herein through her husband are not the subject matter of any registered instrument executed by the first respondent, the petition filed by the first respondent before the second respondent invoking the provisions of Section 23(1) of the Act is not maintainable. Consequently, the order passed by the second respondent at Annexure - A is also unsustainable in law.

7. This Court, while entertaining the writ petition, passed an interim order on 28.07.2025 directing the petitioner to pay a sum of ₹7,500/- per month towards maintenance to the first respondent - Mother. The learned counsel for the first respondent submits that, except payment of ₹21,000/- towards maintenance for a period of about three months, no further payments have been made. The learned counsel appearing for the petitioner submits that any arrears of maintenance payable to the first respondent, in terms of the order passed by this Court, shall be paid within a period of four weeks from today.

8. At this juncture, the learned counsel for the first respondent submits that the first respondent would avail such other legal remedies as may be available to her for enforcing



her rights in respect of the properties which are subject matter to the present proceedings. Till such time, the first respondent avails such remedies, the petitioner shall, for a period of four weeks from today, be restrained from alienating, creating any encumbrance or creating any third party interest on the properties in question. The said prayer is not opposed by the petitioner.

9. In view of the aforesaid circumstances, this Court passes the following:-

ORDER

- i. The writ petition is ***allowed***.
- ii. The order dated 11.11.2024 passed by respondent No.2 in proceedings No. ಹಿ.ನಾ.ರ.76/2023-24 at Annexure-A is quashed.
- iii. The petitioner is directed to pay the arrears of maintenance as directed by this Court in the interim order dated 28.07.2025 within a period of four weeks from today and continue to pay the maintenance till the life time of the respondent No.1.
- iv. The petitioner shall not alienate, create any encumbrances or create any third party interest in



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respect of subject properties, for a period of four weeks from today.

Ordered accordingly.

**Sd/-
(T.P.VIVEKANANDA)
JUDGE**

AG
List No.: 1 Sl No.: 22