



CNR: KAHC010333282026

NC: 2026:KHC:37146-DB
WA No. 1417 of 2026

IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 20TH 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.1417 OF 2026 (GM-RES)

BETWEEN:

SRI IMRAN KHAN
S/O LATE AMEER JAN G.K.
AGED ABOUT 43 YEARS,
OCCUPATION: TEAM LEADER IN BPO
R/AT NO.55, 4TH CROSS,
AREKEMPANAHALLI,
NEAR 10TH CROSS,
WILSON GARDEN,
BENGALURU - 560 027.

...APPELLANT

(BY SRI. RAJESH G.S., ADVOCATE)

AND:

1. SMT. HASEEN BEGUM
W/O LATE AMEER JAN G.K.
AGED ABOUT 65 YEARS,
OCCUPATION: HOUSE WIFE
R/AT NO.55, 4TH CROSS
AREKEMPANAHALLI,
NEAR 10TH CROSS,
WILSON GARDEN,
BENGALURU - 560 027.
2. YASMEEN TAJ
AGED ABOUT 41 YEARS,



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W/O NADEEM AHMED
R/AT NO.79, 1ST MAIN ROAD,
4TH CROSS, CHAMARAJPET,
BANGALORE - 560 018.

3. TAHSEEN TAJ
AGED ABOUT 39 YEARS,
W/O ABDUL SALAM
NO.26, 6TH COSS, 22ND MAIN,
J.P. NAGAR, 5TH PHASE,
VINAYAKANAGAR,
PUTTENAHALLI,
BENGALURU - 560 078.
4. THE ASST. COMMISSIONER
BENGALURU NORTH SUB-DIVISION
KANDAYA BHAVAN, K.G. ROAD,
BENGALURU - 560 009.
5. THE SPECIAL DEPUTY COMMISSIONER-I
M/S. D.C. OFFICE
BEHIND KANDAYA BHAVAN
BENGALURU - 560 009.

...RESPONDENTS

(BY SRI. M.D. RAGHUNATH, ADVOCATE FOR R-1 TO R-3;
SMT. NAMITHA MAHESH B.G., AGA FOR R-4 & R-5)

THIS WRIT APPEAL IS FILED UNDER SECTION 4 OF THE
KARNATAKA HIGH COURT ACT PRAYING TO CALL FOR RECORDS
IN W.P.NO.13784/2023 DATED 23.02.2026; SET ASIDE THE ORDERS
DATED 23.02.2026 IN W.P.NO.13784/2023.

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

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



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ORAL JUDGMENT

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

1. For the reasons stated in the affidavit accompanying the application, I.A.No.2/2026, the same is allowed and the delay of 44 days in filing the appeal is condoned.
2. The appellant has filed the present appeal impugning an order dated 23.02.2026 passed by the learned Single Judge of this Court in W.P. No.13784/2023 [GM-RES]. The appellant had filed the said petition impugning an order dated 07.06.2023 passed by the Bengaluru District Maintenance and Welfare of Parents and Senior Citizens Appellate Tribunal and Special Deputy Commissioner-I, Bengaluru [**the Appellate Tribunal**]. The said order was passed in an appeal preferred by respondent No.1 [**the senior citizen**] against the order dated 06.09.2022 passed by the Maintenance and Welfare of Parents and Senior Citizens Tribunal and the Assistant Commissioner, Bengaluru North Sub-Division [**the Tribunal**].
3. The learned Tribunal had partly allowed the petition filed by the senior citizen (respondent No.1) and directed the appellant (son



of the senior citizen) to pay her a monthly maintenance of ₹5,000/-. However, the senior citizen's prayer for evicting the appellant from the subject property (described as residential premises No.55, 4th Cross, Arekempahalli, Near 10th Cross, Wilson Garden, Bengaluru) was not acceded to.

4. The senior citizen asserts that the subject property is her absolute property. She acquired title to the property under a registered sale deed dated 22.02.1993. The subject property consists of three floors. One portion of the ground floor was rented for commercial purposes, while the other portion was let out to other tenants. She stated that she resided on the first floor, along with other members of her family.

5. She alleged that appellant and respondent No.2 (the appellant's brother), who are her sons, were collecting rent from the tenants but were not taking care of her. She further complained that she was suffering from diabetes and high blood pressure and her sons had created an unhealthy and unpleasant environment in the house. The said unhealthy environment resulted in the tenants voluntarily vacating the premises. She alleged that upon the



tenant's portion falling vacant, the appellant forcefully occupied the ground floor, while her second son (Rizwan Khan) occupied the first floor of the subject property. It is stated that respondent No.1 had attempted reconciliation with her sons and other family members. The appellant had offered to take care of her; however, he failed to live up to his word.

6. The Appellate Tribunal observed that the senior citizen is the absolute owner of the subject property, having acquired the same under a registered sale deed dated 22.02.1993. It further held that there was also no dispute that respondent No.1 was suffering from diabetes and high blood pressure. In the given facts, the Appellate Tribunal allowed the appeal, holding that the Tribunal had not furnished any reasons for declining the relief as sought for by the senior citizen. Accordingly, the Appellate Tribunal directed the appellant and his brother, who was arrayed as respondent No.2, to vacate the subject property and hand over possession of the same.

7. Aggrieved by the aforesaid order, the appellant filed a W.P. No.13784/2023 [GM-RES]. He claimed that he had a right in the subject property. He submitted that his father (the husband of the



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senior citizen) had paid a consideration of ₹1,60,000/- for the purchase of the subject property on 22.02.1993. Thereafter, he and his deceased father had expended ₹6,00,000/- for the construction of a residential house. On the aforesaid basis, he claims that he has one-fifth share in the subject property.

8. The learned counsel for the appellant states that the appellant has also filed a suit, which is pending consideration. He contended that in the given facts, the Appellate Tribunal could not have issued any direction to the appellant to vacate the subject property.

9. The impugned order indicates that the learned Single Judge, while issuing emergent notice, granted an interim order subject to the appellant depositing a sum of ₹1,00,000/-. The order dated 19.07.2023 reads as under:

"Learned AGA is requested to accept notice for respondent Nos.4 and 5.

Issue Emergent Notice to the rest of the respondents.

Stay of impugned order as prayed for, till next date of hearing, subject to petitioner depositing with respondent No.1, a sum of Rs.1,00,000/- (Rupees One Lakh) only, as under:



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- i) Rs.50,000/- (Rupees Fifty Thousand) only, within two weeks,
- ii) Rs.50,000/- (Rupees Fifty Thousand) only, within next two weeks,

failing which, now only the interim order stands rescinded on its own but it will cast its shadow on the merits of the main matter too."

10. The aforesaid interim order is unambiguous, and the interim relief granted to the appellant was subject to compliance with the stipulated condition. However, concededly, the appellant had not paid the amount as directed. Further, the order indicates that the appellant also failed to attend the proceedings before the learned Single Judge.

11. In view of the above, the learned Single Judge dismissed the writ petition by the impugned order, observing that the appellant did not appear to be interested in pursuing the petition.

12. Since there has been no adjudication on the merits of the appellant's case, we have heard the learned counsel for the appellant at length.

13. The learned counsel for the appellant contended that the senior citizen had initiated proceedings at the instance of the



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appellant's sisters. He contended that they had taken advantage of the dissension in the family and persuaded the senior citizen to initiate said proceedings. He contended that the appellant is entitled to a one-fifth share in the subject property, as the purchase consideration was paid by his father and he had also contributed towards the construction of the house.

14. It is apparent from the above that there are dissensions in the family and there are no grounds to doubt the contention that the atmosphere in the house has become unpleasant. Undeniably, the senior citizen is also in need of care. In the aforesaid view, the senior citizen's prayer for eviction of the appellant from the residential property, where she resides, is justified.

15. Concededly, the subject property was purchased by the senior citizen, and the only title document on record is the registered sale deed in her favour. Apart from the said document, there is no material on record to establish that the appellant had contributed towards the construction of the house as claimed. Even if the appellant's contention that the purchase consideration was



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paid by his father is accepted, it would not establish that the appellant has any right in the subject property.

16. Having stated above, we note that it is not necessary for this Court to decide any dispute regarding title of the subject property. Suffice it to state that there is sufficient material which establishes that the respondent has a right to reside in the said property.

17. The Maintenance and Welfare of Parents and Senior Citizens Act, 2007 was enacted, *inter alia*, with the object of ensuring the maintenance, welfare, and safety of senior citizens. The Act recognises the right of the senior citizens to be cared for and to live in peace for the remainder of their lives, free from any attrition.

18. In the aforesaid circumstance, we find no infirmity with the decision of the Appellate Tribunal in directing the appellant to hand over the vacant possession of the subject property.

19. The record also indicates that the appellant did not pursue the writ petition diligently. In this view, we also find no infirmity with the decision of the learned Single Judge in dismissing the writ petition. The appeal is unmerited and accordingly dismissed.



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20. The pending interlocutory application is also disposed of.

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

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