



CNR: KAHC010376562022

NC: 2026:KHC:39196
WP No. 16316 of 2022

IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 28TH DAY OF JULY, 2026

BEFORE

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

WRIT PETITION NO. 16316 OF 2022 (GM-RES)

BETWEEN:

SMT N S RASHMI
W/O A G NARAYANAGOWDA
AGED ABOUT 30 YEARS
R/AT NO 181, 1ST FLOOR
BHAVANINGARA, ULLAL MAIN ROAD
RAILWAY LAYOUT
BENGALURU - 560 056.

...PETITIONER

(BY SRI. P MAHESHA.,ADVOCATE)

AND:

1. SRI V GOVINDAPPA
S/O LATE ANNAIAHAPPA
AGED ABOUT 71 YEARS
R/AT NO 181, G FLOOR
BHAVANINGARA ULLAL MAIN ROAD
RAILWAY LAYOUT
BENGALURU - 560 056.
2. SRI A G NARAYANAGOWDA
S/O GOVINDAPPA
AGED ABOUT 38 YEARS
R/AT NO 181, G FLOOR
BHAVANINGARA ULLAL MAIN ROAD
RAILWAY LAYOUT
BENGALURU - 560 056.
3. THE CHAIRMAN

Digitally signed
by SUMA B N
Location: HIGH
COURT OF
KARNATAKA



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THE MAINTENANCE AND WELFARE OF
PARENTS AND SENIOR CITIZENS TRIBUNAL
AND ASSISTANT COMMISSIONER
BENGALURU SOUTH SUB DIVISION
BENGALURU - 560 009.

4. THE DEPUTY TAHSILDAR
BENGALURU NORTH TALUK
YESHWANTHPURA II
1ST FLOOR B.B.M.P BUILDING
BEHIND B D A COMPLEX
NAGARABHAVI,
BENGALURU - 560 072.

...RESPONDENTS

(BY SRI. V.B. SHIVAKUMAR., ADVOCATE FOR R1;
SRI. MALATESH S.R., ADVOCATE FOR R2;
SRI. M. SRINIVAS KUMAR., HCGP FOR R3 AND R4)

THIS WRIT PETITION IS FILED UNDER ARTICLES 226 AND 227 OF THE CONSTITUTION OF INDIA, PRAYING TO CALL FOR RECORDS AND ALLOW THE PETITION; QUASH THE IMPUGNED ORDER PASSED BY THE R-3 THE CHAIRMAN THE MAINTENANCE AND WELFARE OF PARENTS AND SR CITIZENS TRIBUNAL AND ASSISTANT COMMISSIONER BENGALURU SOUTH SUB DIVISION BENGALURU IN MSC (SC) CE 60/2020-21 DATED.30.06.2022 VIDE ANNEXURE-D AND EVICTION NOTICE ISSUED BY THE FOURTH RESPONDENT DEPUTY TAHSILDAR BENGLAURU NORTH TALUK IN DT/NK/ MSC/CR/168/2022-23 DATED.10.08.2022 VIDE ANNEXURE-E.

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



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ORAL ORDER

1. Petitioner who is the wife of respondent No.2 and daughter-in-law of Respondent No.1 is before this Court seeking following reliefs;

"i. Issue Writ of Certiorari quashing the impugned order passed by the third respondent The Chairman; The Maintenance and Welfare of Parents and Senior Citizens Tribunal and Assistant Commissioner, Bengaluru South Sub Division, Bengaluru in MSC (SC) CR. 60/20-21, dated 30.06.2022 vide Annexure- D, and eviction notice issued by The fourth respondent Deputy Tahsildar, Bengaluru North Taluk in DT/NK/MS/CR/168/22-23, dated 10.08.2022 vide annexure - E.

ii. Pleased to pass any other order or directions as this Hon'ble Court feels deem fit under the circumstances of the case, in the interest of justice and equity."

2. Respondent No.1 had initiated the proceedings before respondent No.3-Assistant Commissioner by filing a petition in MSC (SC) CR.60/2020-21 under Section 23 of the Maintenance and Welfare of Parents and Senior Citizens Act, 2007 (for short Act, 2007) seeking an order of eviction of petitioner and respondent No.2 from his residential properties.
3. Counsel for the petitioner submits that there are ongoing proceedings between the petitioner and respondent No.2



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under Section 12 of the Protection of Women from Domestic Violence Act, 2005 and initiation of the proceedings by the respondent No.1 is with ulterior intention of causing prejudice to the petitioner. That no notice of any nature whatsoever was served on the petitioner and no opportunity was granted to the petitioner to present her case.

4. He refers to the impugned order dated 30.06.2022 as per Annexure-D and points out paragraph 7 to submit that though a statement is made in the impugned order regarding service of notice and respondent No.2 filing the vakalath, he submits there appears to be a case of impersonation, inasmuch as, the petitioner was already before the Family Court against respondent No.2 herein who is her husband. Such being the case there is no possibility of she not engaging the counsel to prosecute the matter. Therefore, he submits the order impugned has been passed behind her back and therefore liable to be quashed.



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5. Counsel appearing for respondent No.1 on the other hand submits that respondent No.1 being the father-in-law owes no duty to maintain the daughter-in-law or any of his children. Further, petitioner being the daughter-in-law cannot maintain the writ petition as she has no vested right in the property. Initiation of proceedings in MSC (SC) CR No.60/2020-21, by the respondent No.1 under the provisions of Section 23 of the Act, 2007, and consequent order passed which is impugned in this matter cannot be found fault with. Hence, seeks for dismissal of the petition.
6. Heard. Perused the records.
7. Relationship between the parties is not in dispute. Respondent No.1 has invoked provisions of Section 23 of the Act, 2007. Paragraph 7 of the impugned order dated 30.06.2022 indicate that notice was issued to the respondents therein i.e. petitioner and respondent No.2 herein respectively and it also reads that petitioner herein who was respondent No.2 had indeed filed vakalath on 25.08.2021 but thereafter remained absent. It is under



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the said circumstances, the respondent No.3-Assistant Commissioner has proceeded to accept the case of the respondent No.1 of petitioner causing inconvenience, unpleasant happenings in the scheduled premises resulting in passing of the impugned order. Since the said order has been passed ex-parte, and in view of specific allegation being made by the petitioner of purported impersonation, it is appropriate that petitioner be provided with an opportunity to defend the averments and allegation made in the petition before respondent No.3-Assistant Commissioner of she being the cause for inconvenience, unhappiness of the respondent No.1.

8. Accordingly, following;

ORDER

- (i) Petition is ***allowed***.
- (ii) Impugned orders dated 30.06.2022 passed by the respondent No.3-Assistant Commissioner as per Annexure-D and eviction notice dated 10.08.2022 issued by the respondent No.4 as per Annexure-E are quashed.



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- (iii) Matter is remitted to the respondent No.3-Assistant Commissioner.
- (iv) Parties shall appear before the respondent No.3-Assistant Commissioner on **10.08.2026** without any further notice.
- (v) Petitioner shall file objections if any, on the very same day i.e., on 10.08.2026 along with her vakalath.
- (vi) Respondent No.3-Assistant Commissioner shall after affording opportunity to the parties pass appropriate orders. Such orders shall be passed within 60 days thereafter.
- (vii) There shall not be any further delay in the matter.
- (viii) Interim order granted by this Court, shall be stand extended till disposal of the matter before the respondent No.3-Assistant Commissioner.

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