



CNR: KAHC010455692026

NC: 2026:KHC:36675-DB
WA No. 1695 of 2026

IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 17TH 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.1695 OF 2026 (GM-RES)

BETWEEN:

SMT. PADMA @ PADMAVATHI .B
W/O MANJUNATH O.T.
AGED ABOUT 51 YEARS,
RESIDING AT NO.176/3, 1ST MAIN,
JAKKASANDRA,
JANATHA COLONY,
KORAMANGALA,
BENGALURU-560034.

...APPELLANT

(BY MS. ANKITA PATIL, ADVOCATE FOR
SRI. RAHAMATHULLA KOTHWAL, ADVOCATE)

AND:

1. SMT. RAMAKKA
W/O LATE SHAMANNA,
AGED ABOUT 69 YEARS,
RESIDING AT NO.223,
BANNERGHATTA CIRCLE,
MARAGONDANAHALLI,
HULLIMAVU POST,
BENGALURU - 560105.
2. THE ASSISTANT COMMISSIONER,
SENIOR CITIZENS MAINTENANCE TRIBUNAL,

Digitally
signed by
SRIDEVI S
Location:
High Court
of Karnataka



CNR: KAHC010455692026

NC: 2026:KHC:36675-DB
WA No. 1695 of 2026

BENGALURU SOUTH SUB-DIVISION,
BENGALURU - 560001.

...RESPONDENTS

(BY SRI. JANARDHANA G. ADVOCATE FOR C/R-1;
SRI. K.S. HARISH, GOVERNMENT ADVOCATE FOR R-2)

THIS WRIT APPEAL IS FILED UNDER SECTION 4 OF THE KARNATAKA HIGH COURT ACT PRAYING TO ADMIT THE APPEAL; CALL FOR THE RECORDS IN W.P.NO.8195/2026; SET ASIDE THE ORDER DATED 16.06.2026 PASSED IN W.P.NO.8195/2026 BY THE LEARNED SINGLE JUDGE AND ETC.,

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

ORAL JUDGMENT

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

1. The appellant has filed the present appeal impugning an order dated 16.06.2026 passed by the learned Single Judge in Writ Petition No. 8195/2026 (GM-RES).

2. The appellant had filed the said writ petition impugning an order dated 08.01.2026 passed by the Assistant Commissioner, Senior Citizens Maintenance Tribunal [**the Tribunal**], whereby the appellant and her husband were directed to be evicted from the property bearing house No. 176/3 towards the northern portion located in Jakkasandra, Village, Begur Hobli, Bengaluru South Taluk [**the subject property**].



CNR: KAHC010455692026

3. The Tribunal had passed the said order in a petition preferred by respondent No.1 [**senior citizen**]. The senior citizen claimed that her mother, Smt. Byamma had purchased the immovable property bearing Old Khata No.257, present V.P. Khata No.311, House List No.176/3 (subject property) along with the foster son named Venkatesh, under a registered sale deed dated 20.08.1986. The said purchaser, Smt. Byamma and Sri. Venkatesh jointly sold the part of the subject property under the registered sale deed dated 31.03.1993 in favour of the senior citizen. The remaining portion of the subject property was gifted by them to the senior citizen under a registered gift deed dated 09.12.1999. Thus, the senior citizen established that she is the owner of the subject property under registered sale deeds in her favour.

4. The senior citizen also claimed that she constructed a shop and two houses on the subject property and was residing in one of the houses, and the remaining premises were let out to tenants for rental income. She stated that her daughter, the appellant, was residing at Maragondanahalli Village, Jigani Holbi, Anekal Taluk after marriage. She stated that her daughter, who was residing at



CNR: KAHC010455692026

Anekal Taluk, came to reside with her in June 2023 along with her husband. The senior citizen alleged that they informed her that they would take care of her and would provide for her daily needs, and relying on their representation, she permitted them to reside with her. She alleged that the appellant and her husband failed and neglected to look after her and, after some time, began ill-treating her by depriving her of her basic necessities. She claimed that on 08.09.2023, the appellant and her husband forcibly dispossessed her from the subject property and also collected the rents from the tenants. She claimed that the original title deeds were kept in the residence and therefore were now in the effective custody of the appellant.

5. The senior citizen alleged that although she had lodged a complaint before the Madivala Police Station, Bengaluru, no action had been taken. She also stated that she was suffering from ailments and her medical treatment was costing approximately ₹5,000/- to ₹10,000/- per month.

6. The appellant claimed that she was residing in the subject property since her childhood. The appellant had also filed the suit



CNR: KAHC010455692026

O.S.No.7032/2023 claiming title by adverse possession. Initially, an ex-parte interim order was granted in her favour; however, the same was vacated. She filed an appeal in this Court (MFA.No.576/2025), and this Court had passed an *ad-interim* order restraining the senior citizen from creating any third-party rights over the subject property. The appellant also claimed that she was adopted by the parents of the senior citizen and that they had orally gifted the subject matter to her out of love and affection.

7. The Tribunal, after considering the facts, passed an order evicting the appellant and her husband and further directing them to hand over all original documents pertaining to the subject property and not to harass the senior citizen. Additionally, the Tribunal also directed them to pay the rents collected from the tenants from June 2023 till date.

8. Aggrieved by the said decision, the appellant had filed a writ petition, which was dismissed by the impugned order. The appellant claimed that since the suit was pending, the Tribunal could not have taken any decision and did not have the power to decide the question as to the title of the subject property.



CNR: KAHC010455692026

9. The learned Single Judge rightly observed that the plea of adverse possession implied that the appellant had acknowledged the senior citizen's title. But for the claim of adverse possession, the appellant has no title to the subject property and claims to derive title by virtue of holding possession adverse to other right holders.

10. The court observed that the only question to be examined was whether the appellant had any adverse interest. It is difficult to accept that a child living with the parents (in this case, the natural mother of the child) and continuing to reside in the house after attaining the age of majority can set up such occupation as holding out possession adverse to the parents.

11. In the present case, the appellant claims that she was adopted by the senior citizen's mother and she had paid her expenses. Thus, according to the appellant, she had lived in the subject property since childhood. She grew up in the subject property and continued to reside there after her marriage. Plainly, her occupation was not as an owner. The appellant claims that her adoptive mother had orally gifted the house property to her. This



CNR: KAHC010455692026

plea is apparently to sustain a claim that she had thereafter occupied the subject property as an owner. We are unable to accept that the appellant can set up an oral gift by the owner (the senior citizen's mother) as against registered deeds executed by her. The Welfare of Parents and Senior Citizens Act, 2007 would become a dead letter if the interests of the senior citizens are permitted to be held up in such colourable claims.

12. In the given facts, the learned Single Judge found no error with the decision of the Tribunal. We find no infirmity with the said decision.

13. For the reasons stated above, the present appeal is dismissed with costs quantified at ₹5,000/- to be paid to respondent No.1 within a period of two weeks from date.

14. Pending application stands disposed of.

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

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