



IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 22ND DAY OF JUNE, 2026

BEFORE

THE HON'BLE MR. JUSTICE SURAJ GOVINDARAJ

WRIT PETITION NO. 31226 OF 2025 (GM-RES)

BETWEEN:

1. SMT B PREMA
AGED ABOUT 48 YEARS,
W/O G.M. VIJAY KUMAR, R
/A OLD BOD OFFICE,
HOSKOTE TOWN-562 114,
BENGALURU RURAL DISTRICT

... PETITIONER

(BY SRI. THRIMURTHY K P., ADVOCATE)

AND:

1. DEPUTY COMMISSIONER,
BANGALORE RURAL DISTRICT,
DISTRICT OFFICE COMPLEX,
BEERASANDA VILLAGE,
KUNDANA HOBLI,
DEVANAHALLI-562 110.
2. ASSISTANT COMMISSIONER,
DODDABALLAPUR SUB DIVISION,
DODDABALLAPUR-561 203,
BANGALORE RURAL DISTRICT.
3. SMT. SUBBALAKSHMAMMA,
AGED ABOUT 74 YEARS,
W/O M.C. MUNINANJAPPA,
PRESENTLY R/A NO. 477, 6TH CROSS,
RAJARAJESHWARINAGAR, LAGGERE,
BANGALORE-560 058.

... RESPONDENTS

(BY SRI. MOHAMMED JAFFAR SHAH, AGA FOR R1 AND R2;
SRI SUDHANVA D.S., ADVOCATE FOR C/R3)

Digitally signed
by SHWETHA
RAGHAVENDRA
Location: HIGH
COURT OF
KARNATAKA



THIS W.P. IS FILED UNDER ARTICLE 226 OF THE CONSTITUTION OF INDIA, PRAYING TO A) ISSUE A WRIT OF CERTIORARI QUASHING ORDER DATED 18/9/25 PASSED BY DEPUTY COMMISSIONER, BANGALORE RURAL DISTRICT, BANGALORE IN APPEAL BEARING NO. SCA(APL)/8/24 ANNEXURE - F AND SET ASIDE ORDER DATED 19/9/24 PASSED PETITION NO. SCA:S.R.56/23 BY ASSISTANT COMMISSIONER, DODDABALLAPUR SUB-DIVISION, DODDABALLAPUR, AS PER ANNEXURE - D AND DISMISS COMPLAINT BEARING NO. SCA:S.R.56/23 AND ETC.

THIS PETITION, COMING ON FOR PRELIMINARY HEARING IN 'B' GROUP, THIS DAY, ORDER WAS MADE THEREIN AS UNDER:

CORAM: HON'BLE MR. JUSTICE SURAJ GOVINDARAJ

ORAL ORDER

1. The petitioner is before this Court seeking for the following reliefs:
 1. *Issue a Writ of Certiorari quashing order dated 18/09/2025 passed by Deputy Commissioner, Bangalore Rural District, Bangalore in appeal bearing No.SCA(APL)/8/2024 as per Annexure-F and set aside order dated 19.09.2024 passed in petition no.SCA:S.R.56/23 by Assistant Commissioner, Doddaballapur Sub-Division, Doddaballapur, as per Annexure-D and dismiss complaint bearing no.SCA:S.R.56/23.*
 2. *Issue such other writ/order/direction as deemed fit, in the interest of justice.*
2. It is the case of the petitioner that respondent No.3, who is the grandmother of the petitioner, executed a Gift Deed dated 26.04.2015 in favour of the petitioner in respect of the properties described therein.



3. However, in December 2023, respondent No.3 instituted proceedings before the Assistant Commissioner by filing an application under Section 23(1) of the Maintenance and Welfare of Parents and Senior Citizens Act, 2007, contending that the said Gift Deed had not been executed voluntarily or out of her free will and volition. It was alleged that the petitioner had procured the execution of the Gift Deed by misrepresentation.
4. Respondent No.3 further contended that she was unaware of the nature and contents of the document at the time of its execution. On the said premise, she sought cancellation of the Gift Deed before the Assistant Commissioner. The Assistant Commissioner, by order dated 19.09.2024 (Annexure-D), allowed the application and directed cancellation of the Gift Deed.
5. Aggrieved by the said order, the petitioner preferred an appeal before the Deputy Commissioner. The Deputy Commissioner, by order dated 18.09.2025, dismissed the appeal and confirmed the order passed by the Assistant Commissioner. It is challenging the aforesaid orders that the petitioner is before this Court in the present writ petition.
6. Learned counsel for the petitioner submits that;



- 6.1. There is no Clause in the gift deed requiring the petitioner to take care of the maintenance of respondent No.3 and as such, no allegation could have been made by respondent No.3 that she is not being maintained for the purpose of cancellation of the gift deed.
- 6.2. In this regard, he relies upon the decision of the Hon'ble Apex Court in ***Sudesh Chhikara v. Ramti Devi***¹, more particularly para 12 and 14 thereof which are reproduced hereunder for easy reference;

12. We have given careful consideration to the submissions. Before dealing with the factual aspects, it is necessary to advert to the legal aspects. The Sub-Divisional Magistrate acting as the Maintenance Tribunal under the 2007 Act has invoked the power under Section 23 to declare that the subject release deed was void. The 2007 Act has been enacted for the purpose of making effective provisions for the maintenance and welfare of parents and senior citizens guaranteed and recognised under the Constitution of India. The Maintenance Tribunal has been established under Section 7 to exercise various powers under the 2007 Act. Section 8 provides that the Maintenance Tribunal, subject to any rules which may be framed by the Government, has to adopt such summary procedure while holding inquiry, as it deems fit.

14. Sub-section (1) of Section 23 covers all kinds of transfers as is clear from the use of the expression "by way of gift or otherwise". For

¹ 2022 SCC Online SC 1684



attracting sub-section (1) of Section 23, the following two conditions must be fulfilled:

(a) The transfer must have been made subject to the condition that the transferee shall provide the basic amenities and basic physical needs to the transferor; and

(b) The transferee refuses or fails to provide such amenities and physical needs to the transferor.

If both the aforesaid conditions are satisfied, by a legal fiction, the transfer shall be deemed to have been made by fraud or coercion or undue influence. Such a transfer then becomes voidable at the instance of the transferor and the Maintenance Tribunal gets jurisdiction to declare the transfer as void.

6.3. By relying on ***Sudesh Chhikara*** case, his submission is that unless there is a Clause in the gift deed, imposing an obligation on the donee to take care of the maintenance of the donor, the jurisdiction under Section 23 of the Senior Citizen Act could not be involved.

6.4. It is in that background that he submits that the orders impugned are to be set aside and the gift is restored.

7. Learned counsel for respondents would however submits that;

7.1. It is not the contention of the grandmother that she is to be taken care of and maintained. The



allegation made is that the document got executed by misleading a senior citizen who did not know the contents thereof. At the time of execution of the said document, she was 75 years of age and the contents were misrepresented.

7.2. He submitted that as of now she is 86 years of age and the age indicated in the gift deed is also wrong inasmuch as in the year 2015, she is shown to be 64 years of age.

7.3. His submission is that the entire document had been got drafted by the petitioner and respondent No.3 was made only to sign the said document.

7.4. In this regard he relies upon the decision of this Court in ***Sri.Venkataiah vs. The State of Karnataka & Ors²***, Para 19.3 and 19.4 thereof, which are reproduced hereunder for easy reference;

19.3 *The authorities have failed to examine who controlled the drafting process and whether the donor had any real agency or understanding of the contents. This omission is particularly grave in proceedings under a welfare statute, where vulnerability of the applicant is a central*

² WP No.13313 of 2025 dated 02.02.2016



consideration. The authorities under the Act must not adopt a hyper-technical approach that reduces the statute to a dead letter. Failure to consider surrounding circumstances and conduct of the parties would result in and amounts to a failure to exercise jurisdiction under Section 23.

19.4 *By rejecting the application solely on a technical omission in a document admittedly drafted by the donees, the authorities have, in effect, rewarded misuse of trust and penalised vulnerability of the senior citizen/parent, which is impermissible in law.*

- 7.5. It is in that background that he submits that the orders impugned are required to be dismissed.
8. Heard Sri.Thrimurthy.K P., learned counsel appearing for the petitioner and Sri.Mohammed Jaffar Shah, learend AGA for respondents No.1 and 2 and Sri.Sudhanva D.S., learned counsel appearing for C/Respondent No.3. Perused papers.
9. This Court, in **Sri Venkataiah v. State of Karnataka and Others**, while considering the scope and ambit of Section 23 of the Maintenance and Welfare of Parents and Senior Citizens Act, 2007, has categorically held that where a beneficiary himself plays an active role in procuring the drafting, execution and registration of a document in his favour, the absence of an express recital in the document obligating the donee to maintain the donor



cannot be put against the senior citizen. The object of the Act is to ensure the welfare and protection of senior citizens and not to permit technicalities in drafting to defeat the substantive rights conferred under the statute.

10. In the present case, a perusal of the Gift Deed reveals that the age of respondent No.3 has been shown as 64 years. The said recital is demonstrably contrary to the material placed on record. The Aadhaar Card produced along with the memo filed before this Court clearly indicates that respondent No.3 was born on 11.03.1940. Therefore, on the date of execution of the Gift Deed on 26.04.2015, respondent No.3 would have been approximately 75 years of age and not 64 years as mentioned in the document.
11. The discrepancy in the age of respondent No.3 is not a minor or inconsequential error. The age of a donor, particularly when the donor is an elderly person and the transaction is sought to be justified under the provisions of the Senior Citizens Act, assumes considerable significance. An incorrect recital regarding the age of the donor, especially to the extent of more than a decade, raises serious doubts



as regards the circumstances under which the document came to be prepared and executed.

12. It is indeed rather surprising that the petitioner, who claims under the Gift Deed and who is none other than the granddaughter of respondent No.3, was unaware of the correct age of her own grandmother. This circumstance assumes greater significance when viewed in the context of the specific allegation made by respondent No.3 that she was unaware of the contents of the Gift Deed and that the same had been obtained by misrepresentation.
13. The erroneous description of the age of respondent No.3, coupled with the surrounding circumstances pleaded by the parties, leads this Court to draw an inference that the document was not prepared at the instance of respondent No.3, but was, in all probability, got prepared by or at the instance of the petitioner for her own benefit.
14. This Court is conscious of the fact that every error in a document may not necessarily render the transaction invalid. However, when the document in question is a Gift Deed executed by a senior citizen in favour of a close relative and the very execution of the document is under challenge on the ground of misrepresentation and absence of free consent, such



circumstances cannot be ignored and are required to be examined in their entirety.

15. In that view of the matter, when the material on record indicates that the document was prepared, executed and registered at the behest of the donee and the details incorporated therein were furnished by or through the donee, it cannot be contended that the donor-senior citizen is irrevocably bound by every recital contained in the document, particularly when the donor herself asserts that the document was not executed out of her free will and volition.
16. The provisions of the Maintenance and Welfare of Parents and Senior Citizens Act, 2007, being a beneficial piece of legislation, are required to receive a purposive and liberal interpretation so as to advance the object sought to be achieved by the enactment. The legislative intent is to ensure that senior citizens are not deprived of their properties by taking advantage of their age, physical condition, dependence or emotional vulnerability.
17. If a senior citizen establishes before the competent authority that a transfer has been brought about by undue influence, coercion, fraud, misrepresentation or by abuse of the fiduciary relationship existing between the parties, the authorities under the Act



would be fully justified in invoking the provisions of Section 23 and declaring such transfer to be void.

18. Instances of close relatives and beneficiaries taking undue advantage of the trust, confidence and affection reposed in them by elderly persons are unfortunately on the rise. Senior citizens, owing to age-related vulnerabilities, often repose complete faith in their children, grandchildren and other family members while executing documents relating to their properties.
19. Any attempt by beneficiaries to misuse such trust and confidence for securing proprietary advantages, thereby leaving senior citizens vulnerable and insecure, strikes at the very foundation of the welfare legislation enacted by Parliament. Such conduct, if established, deserves to be strongly deprecated. This Court accordingly deprecates such conduct in unequivocal terms.
20. Having regard to the aforesaid facts and circumstances, and upon a careful examination of the material placed on record, this Court does not find any infirmity, illegality, perversity or jurisdictional error in the order dated 19.09.2024 passed by the Assistant Commissioner, which has subsequently



been affirmed by the Deputy Commissioner by order dated 18.09.2025.

21. The findings recorded by both the authorities are based on the material available on record and do not warrant interference in exercise of the extraordinary jurisdiction of this Court under Articles 226 and 227 of the Constitution of India.
22. Accordingly, the writ petition stands ***dismissed***.
23. Though this Court is of the opinion that the petitioner has failed to make out any case for interference and that the facts of the present case could have justified imposition of exemplary costs, taking into consideration the close familial relationship between the parties, this Court refrains from imposing any costs.

Sd/-
(SURAJ GOVINDARAJ)
JUDGE

SR
List No.: 1 Sl No.: 61