



CNR: KAHC010691982025

NC: 2026:KHC:48213
WP No. 31891 of 2025

IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 3RD DAY OF SEPTEMBER, 2026

BEFORE

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

WRIT PETITION NO. 31891 OF 2025 (GM-RES)

BETWEEN:

1. SMT. SHIVAMMA
W/O LATE CHANDRU
AGED ABOUT 40 YEARS
R/AT NO.189, DUDDA HOBLI
CHIKKAGANGANAVADI
G MALLIGERE POST
MANDYA DISTRICT-571 416
2. SRI. RAKSHITH GOWDA
S/O LATE CHANDRU
AGED ABOUT 23 YEARS
R/AT NO.189, DUDDA HOBLI
CHIKKAGANGANAVADI
G MALLIGERE POST
MANDYA DISTRICT-571 416

...PETITIONERS

(BY SRI: B S VENKATANARAYANA, ADVOCATE)

AND:

1. SMT. KEMPAMMA
W/O LATE PUTTA DEVEGOWDA
AGED ABOUT 75 YEARS
RESIDING AT CHIKKAGANGAVADI VILLAGE
DUDDA HOBLI, MANDYA TALUK
MANDYA DISTRICT-571 416

Digitally signed
by PAVITHRA B
Location: HIGH
COURT OF
KARNATAKA



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PRESENTLY RESIDING AT
C/O RAVIKUMAR
NO.71/B, HULIKERE
S.R.PATTANA TALUK
MANDYA DISTRICT-571 606

2. THE ASSISTANT COMMISSIONER
MANDYA TALUK
MANDYA DISTRICT-571 401

...RESPONDENTS

(BY SRI: K L SREENIVAS, ADVOCATE FOR R1;
SMT: NAVYA SHEKAR, AGA FOR R2)

THIS WRIT PETITION IS FILED UNDER ARTICLES 226 AND 227 OF THE CONSTITUTION OF INDIA PRAYING TO SET ASIDE THE ORDER DATED 07.08.2025 PASSED BY THE RESPONDENT NO.2 IN MSC/28/25 (ANNEXURE-A) AND CONSEQUENTLY, DISMISS THE APPLICATION FILING BY THE RESPONDENT NO.1.

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

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

ORAL ORDER

The petitioners are before this Court challenging the order dated 07.08.2025 passed by respondent No.2 under the provisions of Section 23 of the Maintenance and Welfare of Parents and Senior Citizens Act, 2007 (for short 'the Act').



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2. The facts as narrated in the writ petition are as follows:

The husband of petitioner No.1 - Mr. Chandru died on 16.01.2019. Upon the death of husband of petitioner No.1, she being the daughter-in-law of Putta Devegowda, executed the Release Deed in his favour relinquishing her right, title and interest in respect of all other properties, except the land measuring 11 guntas in Sy No. 52/9 situated at Honnamadu Grama, Dudda Hobli, Mandya Taluk, so also, the residential house property bearing Katha No.189 measuring East to West 21 feet and North to South 39 feet situated in the same village, which were permitted to be retained by her.

3. Pursuant to the Release Deed, the revenue entries in respect of the aforementioned two properties have been mutated in the name of petitioner No.1. The father-in-law Putta Devegowda died on 18.01.2023. After 2 years of the death of Putta Devegowda, respondent No.1, who is the wife of Putta Devegowda approached respondent No.2 - Assistant Commissioner invoking the provisions of Section 23 of the Act, seeking for annulment of the Release Deed dated 25.01.2019



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at Annexure-B only insofar as the house property is concerned. Respondent No.2 has registered the petition filed by respondent No.1 in MSC No.28 of 2025.

4. After issuing notice of the proceedings to the petitioner herein, respondent No.2 passed the impugned order at Annexure-A cancelling the Release Deed dated 28.01.2019 executed by petitioner No.1 in favour of her father-in-law Putta Devegowda. The said order is under challenge in the present writ petition.

5. Learned counsel for the petitioners submits that the petition filed by respondent No.1 before respondent No.2 is not maintainable, inasmuch as the Release Deed, was not executed by Putta Devegowda, but it is executed by petitioner No.1 relinquishing all her rights in respect of all the properties of the family, however, retaining the ownership in respect of the aforementioned two properties. It is further contented that while passing the impugned order, respondent No.2 has not taken note of any of the contentions urged on behalf of the petitioners herein. It is his further submission that at any circumstances, respondent No.1 being the wife of Putta



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Devegowda, had no right to approach respondent No.2 invoking the provisions of Section 23 of the Act.

6. Learned counsel appearing for respondent No.1 seeks to sustain the impugned order.

7. On considering the rival contentions of the parties and on perusal of the writ papers, what is discernable is that respondent No.1 being the wife of Putta Devegowda had no right to approach respondent No.2 seeking annulment of Release Deed dated 28.01.2019, which was executed by petitioner No.1 in favour of the deceased Putta Devegowda.

8. Moreover, during the lifetime of Putta Devegowda, he had no dispute about the execution of relinquishment of release deed and the rights of the petitioners in enjoying the aforementioned two properties. However, after the death of Putta Devegowda, respondent No.1 has approached respondent No.2 for annulment of the Release Deed. When a party to the Release Deed had no grievance, respondent No.1 being the wife of the deceased cannot maintain a petition under Section 23 of the Act. Moreover, there was no condition in the Release



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Deed as regards maintenance of the father-in-law or the mother-in-law. It is stated at the Bar that respondent No.1 has other children and there are other properties in their family.

9. In that view of the matter, this Court is of the opinion that the very proceedings initiated by respondent No.1 before respondent No.2 is not maintainable and thus, the order passed by respondent No.2 is unsustainable.

10. Hence, the following:

ORDER

- i) Writ Petition is ***allowed.***
- ii) The order dated 07.08.2025 passed in MSC No.28 of 2025 by respondent No.2, is hereby quashed.
- iii) Any action taken pursuant to the impugned order are all declared void.
- iv) The transfer of katha, if any, in favour of respondent No.1 pursuant to the impugned order at Annexure-A is required to be restored back to the name of petitioners on



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the representation being submitted by the petitioners enclosing
the certified copy of this order before the appropriate authority.

No order as to costs.

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

BGN
List No.: 1 Sl No.: 20