



IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 20TH DAY OF FEBRUARY, 2026

PRESENT

THE HON'BLE MR. VIBHU BAKHRU, CHIEF JUSTICE

AND

THE HON'BLE MR. JUSTICE C.M. POONACHA

WRIT APPEAL NO. 1847 OF 2025 (GM-RES)

BETWEEN:

1. SRI PRADEEP SHASTRY
S/O SRI LATE H R GOPAL KRISHNA SHASTRY
AGED ABOUT 69 YEARS
2. SMT SUDHA PRADEEP
W/O SRI PRADEEP SHASTRY
AGED ABOUT 66 YEARS

BOTH ARE R/O.

ARRIVE DESIGNERS
3RD CROSS, 5TH MAIN
BANK OF BARODA COLONY
J P NAGAR, 7TH PHASE
BENGALURU-560 079

...APPELLANTS

(BY SRI M S SHYAMSUNDAR, SENIOR ADVOCATE FOR
SRI. SHRIRAMA.,ADVOCATE)

AND:

1. SIDDARTHA P SHASTRY
S/O PRADEEP SHASTRY
AGED ABOUT 40 YEARS
R/AT A/8, A.P.M.C.
SAGAR ROAD
SHIVAMOGGA-577 204



2. SAMARTHA P SHASTRY
AGED ABOUT 38 YEARS
R/AT 108
BENAKA KOTE ROAD
SHIVAMOGGA-577 202
3. THE SPECIAL DEPUTY COMMISSIONER-1
BENGALURU NORTH
SUB DIVISION
BENGALURU AND
BENGALURU DISTRICT MAINTENANCE
AND WELFARE OF PARENTS
AND SENIOR CITIZENS APPELLATE TRIBUNAL
BENGALURU-560 009
4. THE ASSISTANT COMMISSIONER
BENGALURU SOUTH SUB DIVISION
AND THE TRIBUNAL
UNDER THE MAINTENANCE
OF WELFARE OF PARENTS
AND SENIOR CITIZENS ACT
KANDAYA BHAVAN
BENGALURU-560 009

...RESPONDENTS

(BY SRI SRINIVAS V,ADVOCATE FOR R1 AND R2
SRI K S HARISH, GOVERNMENT ADVOCATE FOR R3 AND R4)

THIS WRIT APPEAL FILED U/S 4 OF THE KARNATAKA
HIGH COURT ACT, 1961 PRAYING TO SET ASIDE THE
JUDGMENT PASSED BY THE LEARNED SINGLE JUDGE IN WP
No. 12816/2023 (GM-RES) DATED 27.10.2025 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 MR. JUSTICE C.M. POONACHA

ORAL JUDGMENT

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

1. The appellants, who are senior citizens, have filed the present appeal impugning an order dated 27.10.2025 passed by the learned Single Judge in WP.No.12816/2023 (GM-RES).
2. The said petition was filed by respondent Nos.1 and 2 impugning an order dated 29.03.2023 passed by respondent No.3 - the Bengaluru District Maintenance and Welfare of Parents and Senior Citizens Appellate Tribunal and the Special Deputy Commissioner - I, Bengaluru South Sub-Division, [**the Appellate Tribunal**], whereby the appeal preferred by the appellants against an order passed by Respondent No.4 - Maintenance and Welfare of Parents and Senior Citizens Tribunal and the Assistant Commissioner, Bengaluru South Sub-Division [**the Maintenance Tribunal**] dated 09.06.2022, was allowed.



3. The appellants had moved the Maintenance Tribunal under the Maintenance and Welfare of Parents and Senior Citizens Act, 2007, seeking the following prayers:

In view of the above stated facts narrated, the applicants herein request this Hon'ble tribunal be pleased to,

- a) Pass an order directing the respondents to pay an amount of Rs. 15,000/- per month as maintenance to each of the applicants.
- b) Cancel the gift deed dated 25.01.2010 executed in favour of first respondent in the office of the Sub Registrar, Shivamogga in respect of the agriculture lands in Sy No. 215 to an extent of 4 acres and an extent of 3 acres 31 guntas in Sy No 214/2, situated in Hasudi village in Shimogga.
- c) Cancel the gift deed dated 20.04.2017, executed in favour of the second respondent, registered in the office of the sub registrar, Shimogga, in respect of a residential property No 3, bearing Municipal Khatha No. 150/110 (old khatha No. 120/110/70) measuring 46x120 ft situated in Kote road, 18th ward Shimogga City.
- d) Pass any other order or direction that this Hon'ble Tribunal deems fit to grant in the interest of justice and equity.

4. The Maintenance Tribunal considered the same but rejected the appellants' prayers on the ground that it did not have jurisdiction to cancel the gift deeds as prayed for. However, it directed the respondent Nos. 1 and 2 (who are the sons of the



appellants and the donees under the aforementioned gift deeds) to pay an amount of Rs. 10,000/- towards their maintenance.

5. Aggrieved by the said decision, the appellants filed an appeal before the Appellate Tribunal impugning the order passed by the Maintenance Tribunal rejecting their prayer for cancellation of the two gift deeds in question. The Appellate Tribunal faulted the Maintenance Tribunal for holding that it lacked jurisdiction to cancel the gift deeds. The Appellate Tribunal found that the Maintenance Tribunal had jurisdiction to cancel the gift deeds. The Appellate Tribunal also passed an order dated 29.03.2023 allowing the relief sought by the appellants and cancelling the two gift deeds.

6. Respondent Nos.1 and 2 filed a writ petition challenging the order dated 29.03.2023 on several grounds. They also contended that the Maintenance Tribunal lacked jurisdiction to cancel the gift deeds. The learned Single Judge did not find merit in the challenge to the jurisdiction of the Maintenance Tribunal. However, the learned Single Judge found that the concerned authorities had not considered the merits of the other issues raised by the respondent Nos.1 and 2 (writ petitioners). Accordingly, the learned Single Judge set aside the Appellate Tribunal's order dated 29.03.2023



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and remanded the matter to the Maintenance Tribunal for consideration, afresh.

7. The learned counsel for the appellants submits that the appellants' grievance is limited to the learned single judge remitting the matter to the maintenance tribunal rather than to the Appellate Tribunal. He submits that, given the advanced age of the appellants, it was not apposite for the learned Single Judge to remand the matter to the Maintenance Tribunal. He submitted that the jurisdiction of the Appellate Tribunal is co-terminus with the Maintenance Tribunal, and there was no impediment for the Appellate Tribunal to have considered the matter on merits as well. Since the learned Single Judge had come to the conclusion that there were no findings recorded in respect of the contentions raised on merits, the matter ought to have been remanded to the Appellate Tribunal and not to the Maintenance Tribunal.

8. After some arguments, the learned counsel appearing for the respondent Nos. 1 and 2 fairly states that the respondents have no objection if the impugned order is modified and the matter is remanded to the Appellate Tribunal for consideration on merits.



9. In view of the above, the present appeal is partly allowed, and the impugned order is modified to the limited extent of remanding the matter to the Appellate Tribunal instead of the Maintenance Tribunal.

10. We also request that the Appellate Tribunal consider the appeal expeditiously.

11. The appellants are also at liberty to withdraw the amounts deposited.

12. The appeal is disposed of in the aforesaid terms.

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

**Sd/-
(C.M. POONACHA)
JUDGE**

SD
List No.: 1 Sl No.: 3