HC-KAR

NC: 2026:KHC:59551-DB
WA No. 112 of 2025

CNR: KAHC010046362025

IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 27TH DAY OF OCTOBER, 2026

PRESENT

THE HON'BLE MR. VIBHU BAKHRU, CHIEF JUSTICE

AND

THE HON'BLE MRS. JUSTICE K.S. HEMALEKHA

WRIT APPEAL NO. 112 OF 2025 (GM-RES)

BETWEEN:

1. SMT. SARASWATHAMMA
W/O LATE M. GOPAL
AGED ABOUT 78 YEARS
RESIDING AT NO. 48, 7TH B CROSS
16TH B MAIN, 4TH B BLOCK
KORAMANGALA
BANGALORE - 560 034

…APPELLANT

(BY SRI SUNIL KUMAR H, ADVOCATE)

AND:

Digitally signed by K P SWETHA
Location: High Court of Karnataka

1. STATE OF KARNATAKA
REPRESENTED BY
SECRETARY DEPARTMENT FOR THE EMPOWERMENT
OF DIFFERENTLY ABLED AND SENIOR CITIZENS
GATE NO. 3, 1ST FLOOR
M.S. BUILDING
DR. B. R. AMBEDKAR VEEDHI
BANGALORE - 560 001

2. MR. G. RAMESH
S/O LATE M. GOPAL
AGED ABOUT 41 YEARS
R/AT No-48, 7TH CROSS

4TH 'B' MAIN
KORAMANGALA
BENGALURU - 560 034
REPRESENTED BY
GPA HOLDER
MR. MANU N

…RESPONDENTS

(BY SRI K.S. HARISH, GOVERNMENT ADVOCATE)

THIS WRIT APPEAL IS FILED UNDER SECTION 4 OF THE KARNATAKA HIGH COURT ACT PRAYING TO SET ASIDE THE ORDER PASSED BY THE LEARNED SINGLE JUDGE IN WP No.4822/2023 DATED 03.12.2024 & ETC.

THIS APPEAL, COMING ON FOR ORDERS, 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 03.12.2024 [**impugned order**] passed by the learned Single Judge in W.P.No.4822/2023 (GM-RES).

2. The appellant who was arrayed as respondent No.2 in the said petition [hereafter, referred as '**Senior Citizen**'] had registered

the gift deeds dated 17.06.2011 and 22.08.2011 in favour of respondent No.2 herein. The Senior Citizen had filed an application before the Chairman: The Maintenance and Welfare of Parents and Senior Citizens Tribunal and Assistant Commissioner, Bengaluru South Sub-Division, Bengaluru [**Tribunal**], invoking Section 23 of the Maintenance and Welfare of Parents and Senior Citizens Act, 2007 seeking an annulment of the gift deeds executed in favour of respondent No.2. The Tribunal accepting the contention of the Senior Citizen revoked the gift deeds. Respondent No.2 had challenged the said order in a Writ Petition (W.P.No.4822/2023) (GM-RES) on the ground that the gift deeds did not contain the recital which indicated that the gift was conditional on respondent No.2 taking care of the needs of the Senior Citizen. The said petition was allowed by the impugned order.

3. Since the Senior Citizen had expired, her elder son filed an application to bring himself as the legal representative. He seeks to support the Senior Citizen's case for annulment of the registered gift deeds executed in favour of respondent No.2. Additionally, he also claims rights in the property on the basis of another gift deed which is registered in his favour.

4. At the outset, the learned counsel appearing for the applicant (the elder son of the Senior Citizen) submits that since the Senior Citizen has expired, the present appeal may be disposed of without prejudice to the rights of the applicant to agitate his individual rights in the appropriate civil proceedings.

5. In view of the above, the present appeal is disposed of. However, we clarify that this would not preclude the parties from agitating their individual rights in the appropriate civil proceedings.

6. In view of disposal of the appeal, the pending interlocutory applications stand disposed of.

Sd/-
(VIBHU BAKHRU)
CHIEF JUSTICE

Sd/-
(K.S. HEMALEKHA)
JUDGE

KPS
List No.: 1 Sl No.: 29