HC-KAR

NC: 2026:KHC:61779-DB
WA No. 1007 of 2026

CNR: KAHC010223262026

IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 6TH DAY OF NOVEMBER, 2026

PRESENT

THE HON'BLE MR. VIBHU BAKHRU, CHIEF JUSTICE

AND

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

WRIT APPEAL NO. 1007 OF 2026 (GM-RES)

BETWEEN:

1. SMT. JAYAMMA
   W/O LATE MOODLI @
   MOODLIGIRAIAH
   AGED ABOUT 76 YEARS
   R/A NO.2348 (OLD NO. 134)
   1ST CROSS, SANJEEVININAGAR
   SAHAKARA NAGAR POST
   BENGALURU – 560 092

…APPELLANT

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

(BY SMT. NIVEDITHA C.S., ADVOCATE FOR
SMT. VIJETHA R. NAIK., ADVOCATE)

AND:

1. THE TRIBUNAL FOR
   MAINTENANCE AND WELFARE OF
   PARENTS AND SENIOR CITIZENS AND
   ASSISTANT COMMISSIONER
   BENGALURU NORTH SUB-DIVISION
   BENGALURU – 560 009

2. THE BENGALURU DISTRICT
   MAINTENANCE AND WELFARE OF
   PARENTS AND SENIOR CITIZENS

APPELLATE TRIBUNAL AND
SPECIAL DEPUTY COMMISSIONER-I
BENGALURU NORTH SUB -DIVISION
BENGALURU – 560 009

3. SMT. ANUSOOYAMMA
W/O LATE G. SRINIVAS
AGED ABOUT 60 YEARS
RESIDING AT NO. 2348
(OLD NO. 134)
1ST CROSS, SANJEEVININAGAR
SAHAKARA NAGAR POST
BENGALURU – 560 092

…RESPONDENTS

(BY SRIMOHAMMED JAFFAR SHAH, AGA FOR R-1 & R-2;
SRI RAJA L., ADVOCATE FOR R-3)

THIS WRIT APPEAL IS FILED UNDER SECTION 4 OF THE KARNATAKA HIGH COURT ACT PRAYING TO ALLOW THIS WRIT APPEAL AND SET ASIDE THE ORDER DATED 10.02.2026 PASSED BY THE LEARNED SINGLE JUDGE OF THIS HON'BLE COURT IN W.P. No. 26666/2023, INSOFAR AS IT RELATES TO SETTING ASIDE THE ORDER DATED 10.10.2022 PASSED BY THE ASSISTANT COMMISSIONER, BENGALURU NORTH SUB-DIVISION IN MSC/CR:63/2020-21 AND REMANDS THE MATTER FOR FRESH CONSIDERATION.

THIS APPEAL, COMING ON FOR PRELIMINARY HEARING, THIS DAY, JUDGMENT WAS DELIVERED THEREIN AS UNDER:

HC-KAR
CNR: KAHC010223262026

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 10.02.2026 passed by the learned Single Judge in W.P.No.26666/2023 (GM-RES).

2. The appellant who is a Senior Citizen had filed the said petition challenging the order dated 06.11.2023 passed by respondent No.2, Maintenance and Welfare of Parents and Senior Citizens Appellate Tribunal and Special Deputy Commissioner-1 [**Appellate Tribunal**]. The Appellate Tribunal had allowed the appeal preferred by respondent No.3 against an order dated 10.10.2022 passed by the Tribunal for Maintenance and Welfare of Parents and Senior Citizens and Assistant Commissioner, Bengaluru North Sub-Division [**Maintenance Tribunal**].

3. The appellant had filed an application dated 18.02.2021 before the Maintenance Tribunal under the provisions of the

Maintenance and the Welfare of Parents and Senior Citizens Act, 2007 [**the Act**] seeking cancellation of the Gift Deed dated 21.06.2010 pertaining to the property bearing Site No.134, BBMP Khatha No.120/119/134 situated at Sanjeevininagar Village, Kodigehalli, Yelahanka Hobli, Bengaluru North Taluk [**Subject Propoerty**]. The appellant alleged that her brother had fraudulently secured the transfer of the said subject property. She stated that she and her husband were illiterate and were not aware of the transaction.

4. The Maintenance Tribunal had accepted the said application and had set aside the subject gift deed.

5. Respondent No.3 had preferred an appeal under Section 16 of the Act, which was allowed by the Appellate Tribunal. The appellant challenges the same, *inter alia*, on the ground that an appeal under Section 16 of the Act is maintainable only by a Senior Citizen. Thus, the order passed by the Appellate Tribunal is without jurisdiction.

6. The question whether an appeal under Section 16 of the Act is confined to a Senior Citizen is covered by a decision of the Co-ordinate Bench of this Court in **Sri. K. Lokesh v. The Bangalore District Maintenance and Welfare of Parents and Senior Citizens Appellate Tribunal and Special Deputy Commissioner-1, Bengaluru North Sub Division and others** : **NC:2024:KHC:53004-DB**.

7. The learned Single Judge accepted the contention that an appeal under Section 16 of the Act is available only to Senior Citizen. However, the learned Single Judge also set aside the order passed by the Maintenance Tribunal and remanded the matter to to consider the appellant's contention that the application filed by respondent No.3 before the Maintenance Tribunal was not maintainable.

8. There is merit in the contention that the issue before the learned Single Judge was confined to whether the appeal preferred by respondent No.3 under Section 16 of the Act is maintainable. Having found thus, the order passed by the learned Single Judge was required to be confined to set aside the order of the Appellate

Tribunal. In the event respondent No.3 was aggrieved by the order passed by the Maintenance Tribunal, she was required to avail the remedies as available in law. The appellate remedy before the Appellate Tribunal under Section 16 of the Act was not available to respondent No.3.

9. In view of the above, the impugned order is modified. We confine it to setting aside the order dated 06.11.2023 passed by the Appellate Tribunal.

10. The appeal is allowed in the aforesaid terms.

11. In view of the disposal of the appeal, the pending interlocutory application also stands disposed of.

Sd/-
(VIBHU BAKHRU)
CHIEF JUSTICE

Sd/-
(K.S. HEMALEKHA)
JUDGE

KPS
List No.: 1 Sl No.: 6