HC-KAR

NC: 2026:KHC:60460
WP No. 12844 of 2024

CNR: KAHC010239062024

IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 30TH DAY OF OCTOBER, 2026

BEFORE

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

WRIT PETITION NO. 12844 OF 2024 (GM-RES)

BETWEEN:

1. MUNIRAJU,
   S/O LATE MUNIVENKATAPPA,
   AGED ABOUT 69 YEARS,

2. SMT. KEMPAMMA,
   W/O MUNIRAJU,
   AGED ABOUT 65 YEARS,

   1 & 2 BOTH R/AT NO.138/3, IST FLOOR
   IST BLOCK EAST, 3RD MAIN,
   9TH CROSS, MUSLIM COLONY,
   BYRASANDRA, JAYANAGAR,
   BANGALORE - 560 011.

...PETITIONERS

(BY SRI. SANTHOSH KUMAR M.B., ADVOCATE)

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Location: HIGH COURT OF KARNATAKA

AND:

1. UMESHA,
   S/O MUNIRAJU,
   AGED ABOUT 42 YEARS,

2. SMT. ASHWINI,
   W/O UMESHA,
   AGED ABOUT 36 YEARS,

1 & 2 BOTH ARE R/AT NO.138/3,
IST FLOOR, IST BLOCK EAST,
3RD MAIN, 9TH CROSS,
MUSLIM COLONY,
BYRASANDRA, JAYANAGAR,
BANGALORE - 560 011.

3. THE DISTRICT MAINTENANCE AND
WELFARE OF PARENTS AND
SENIOR CITIZENS APPELLATE
TRIBUNAL AND
SPECIAL DEPUTY COMMISSIONER-1,
BANGALORE NORTH SUB DIVISION,
BANGALORE - 560 009.

4. THE CHAIRMAN, THE MAINTENANCE AND
WELFARE OF PARENTS AND
SENIOR CITIZENS
TRIBUNAL AND ASSISTANT COMMISSIONER,
BANGALORE SOUTH SUB - DIVISION,
KANDAYA BHAVANA, K G ROAD,
BANGALORE - 560 009.

5. THE SENIOR SUB-REGISTRAR,
JAYANAGAR,
BANGALORE - 560 011.

6. THE STATION HOUSE OFFICER,
SIDDAPURA POLICE STATION,
SIDDAPURA,
BANGALORE - 560 011.

…RESPONDENTS

(BY SRI. RAKESH KUMAR, ADVOCATE FOR R1 AND R2;
SRI.M.SRINIVAS KUMAR, HCGP FOR R3 TO R6)

THIS WP IS FILED UNDER ARTICLE 226 OF THE CONSTITUTION OF INDIA PRAYING TO QUASH THE ORDER DATED 05.04.2023 PASSED IN MAG(4)/SC/CR/27/2022-23 PASSED BY THE R-3 DISTRICT MAINTENANCE AND WELFARE OF PARENTS AND SENIOR CITIZENS APPELLATE TRIBUNAL AND SPECIAL DEPUTY COMMISSIONER-1, BANGALORE NORTH SUB-DIVISION, BANGALORE AS PER ANNEXURE-F TO THE WP BY ISSUE OF A WRIT OF CERTIORARI AND/OR ANY OTHER APPROPRIATE WRIT ORDER AND DIRECTION AND ETC.,

THIS PETITION, COMING ON FOR ORDERS, THIS DAY, ORDER WAS MADE THEREIN AS UNDER:

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

ORAL ORDER

The petitioners are before this Court calling in question the order passed by the Deputy Commissioner i.e., respondent No.3, dated 05.04.2023, in an appeal filed by respondent Nos.1 and 2 under the provisions of Section 16 of the Maintenance and Welfare of Parents and Senior Citizens Act, 2007 (for short, 'the Act').

2. The petitioners are the parents. Respondent Nos.1 and 2 are the son and the daughter-in-law.

3. The petition filed by the petitioners before respondent No.4 was under Section 23(1) of the Act for cancellation of the gift deed executed by the petitioner No.1 in favour of respondent No.1. The said petition was allowed by respondent No.4, and it was declared that the gift deed executed by petitioner No.1 in favour of respondent No.1 was liable to be cancelled and granted other consequential reliefs. Being aggrieved by the said order, the son and the daughter-in-law i.e., respondent Nos.1 and 2 herein have filed an appeal under Section 16 of the Act. The said appeal could not have been entertained by respondent No.3 since the appeal remedy under Section 16 is not provided for respondents No.1 and 2. The appeal remedy is only for the senior citizen. It is the solitary contention of the petitioners that the order dated 05.04.2023 at Annexure-F passed by respondent

No.3 is without jurisdiction and therefore, the same is required to be set aside.

4. The learned counsel for respondent Nos.1 and 2, however, submits that if this Court were to hold that the appeal filed by the respondent Nos.1 and 2 before respondent No.3 is not maintainable, liberty may be reserved to respondent Nos.1 and 2 to challenge the order passed by respondent No.4, the Assistant Commissioner, that is, vide order dated 25.05.2022 in a separate proceedings.

5. In the light of the submissions made by the learned counsel for the petitioners and respondent Nos.1 and 2 and noticing the fact that the appeal filed by respondents No.1 and 2 before respondent No.3 under Section 16 of the Act is not maintainable, consequently, the order passed by respondent No.3 at Annexure-F cannot be sustained.

6. In the result, I pass the following:

ORDER

(i) The writ petition is ***allowed***.

(ii) The order dated 05.04.2023 passed by respondent No.3 as per Annexure-F is set aside. Liberty is reserved to respondent Nos.1 and 2 to challenge the order dated 25.08.2022 passed by respondent No.4 at Annexure-E, in the manner known to law.

(iii) All the contentions of the parties are kept open, to be considered in the proceedings that would be initiated by respondent Nos.1 and 2.

Sd/-
(T.P.VIVEKANANDA)
JUDGE

PSJ
List No.: 1 Sl No.: 25