HC-KAR
CNR: KAHC010484632026

NC: 2026:KHC:61778-DB
WA No. 1763 of 2026

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. 1763 OF 2026 (GM-RES)

BETWEEN:

1. SMT. RADHIKA CHANDRASEKHAR
AGED ABOUT 57 YEARS
W/O. CHANDRASEKAR
D/O. T. PRABHAKARAN NAMBIAR
PRESENTLY RESIDING AT NO. 730
GROUND FLOOR
HAL 3RD BLOCK, 4TH MAIN
NEW TIPPASANDRA
BANGALORE - 560 075

…APPELLANT

(BY SRI UDAYA HOLLA, SENIOR ADVOCATE A/W
SRI MAYA HOLLA, ADVOCATE)

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

AND:

1. DEPUTY COMMISSIONER
THE BENGALURU DISTRICT MAINTENANCE AND
WELFARE OF PARENTS AND SENIOR CITIZENS
APPELLATE TRIBUNAL AND
SPECIAL DEPUTY COMMISSIONER-1
KANDAYA BHAVAN, K.G. ROAD
BENGALURU SOUTH
SUB-DIVISION
BENGALURU - 560 001

2. ASSISTANT COMMISSIONER
MAINTENANCE TRIBUNAL FOR
WELFARE OF PARENTS AND SENIOR CITIZENS
ASSISTANT COMMISSIONER
BANGLURU NORTH SUB-DIVISION
NO.200(N) 2ND FLOOR
KANDAYA BHAVAN, K.G. ROAD
BANGLURU – 560 001

3. NISHA
W/O LATE NANDAKUMAR
AGED ABOUT 42 YEARS

4. AARADHANA
D/O LATE NANDAKUMAR
AGED ABOUT 12 YEARS

5. ANNAPURNA
D/O LATE NANDAKUMAR
AGED ABOUT 9 YEARS

(RESPONDENT NO.3 TO 5 ARE MINORS
REPRESENTED BY NATURAL GUARDIAN
MOTHER- RESPONDENT NO.3)

RESPONDENT NO.3 TO 5 ARE
RESIDING AT NO.730, FIRST FLOOR
HAL 3RD STAGE
1ST BLOCK, 4TH MAIN
NEW TIPPASANDRA
BANGALORE – 560 075

…RESPONDENTS

(BY SRI MOHAMMED JAFFAR SHAH, AGA FOR R-1 & R-2;
SRI DHYAN CHINNAPPA, SENIOR ADVOCATE A/W
SRI GEORGE JOSEPH, ADVOCATE FOR R-3 TO 5)

CNR: KAHC010484632026

THIS WRIT APPEAL IS FILED UNDER SECTION 4 OF THE KARNATAKA HIGH COURT ACT PRAYING TO SET ASIDE JUDGEMENT DATED 11/06/2026 PASSED IN W.P. NO.19353/2022 AND THE ORDER DATED 18/08/2022 PASSED BY THE BANGALORE DISTRICT MAINTENANCE AND WELFARE OF PARENTS AND SENIOR CITIZENS APPELLATE TRIBUNAL AND SPECIAL DEPUTY COMMISSIONER-1 BENGALURU AND CONSEQUENTLY RESTORE THE ORDER DATED 08/03/2021 PASSED BY THE MAINTENANCE TRIBUNAL FOR PARENTS AND SENIOR CITIZEN ASSISTANT COMMISSIONER, BANGALORE NORTH SUB-DIVISION BENGALURU, AND GRANT SUCH OTHER AND FURTHER RELIEFS AS ARE JUST.

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 MRS. JUSTICE K.S. HEMALEKHA

ORAL JUDGMENT

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

1. The appellant has filed the present appeal impugning the order dated 11.06.2026 passed by the learned Single Judge in W.P.No.19353/2022 (GM-RES).

2. The appellant is the daughter of Sri. T.Prabhakaran Nambiar *alias* T.P. Nambiar since deceased [**Senior Citizen**]. The Senior Citizen had during his lifetime, executed a registered gift deed dated 27.08.2018, gifting his immovable property bearing Site No.730, formed by the Bangalore Development Authority at HAL III Stage, First Block Extension, Bengaluru [**subject property**] in favour of his son [**Donee**]. It was the Senior Citizen's case that he had gifted the property subject to the condition that the transferee would provide the basic amenities and basic physical needs.

3. The Senior Citizen's son, the Donee, expired on 01.01.2021 prior to the demise of the Senior Citizen. He was ailing prior to his demise. The appellant claims that she took care of both the Senior Citizen as well as the Donee, who was her brother.

4. Respondent No.3 being the widow of the Donee, now claims the right to the subject property which was gifted under the Gift Deed dated 27.08.2018.

5. The appellant claims that respondent No.3 had also inherited other properties as well as has received substantial compensation

from her deceased husband's employer. She also claims that respondent No.3 had failed and neglected to look after her husband during his lifetime and had returned back to Bengaluru only after he had been hospitalized. The Senior Citizen also alleged that respondent No.3 failed and neglected to take any steps to cater to his basic needs.

6. In the aforesaid circumstances, the Senior Citizen filed a petition before respondent No.2, the Maintenance Tribunal for Welfare of Parents and Senior Citizens and Assistant Commissioner, Bengaluru North Sub-Division, Bengaluru [**the Maintenance Tribunal**] seeking cancellation of the gift deed dated 27.08.2018.

7. The Maintenance Tribunal allowed the said petition by an order dated 08.03.2021 and directed cancellation of the said gift deed. In the meanwhile, the Senior Citizen also executed a Will dated 04.02.2021 bequeathing the subject property to the appellant.

8. The Senior Citizen expired on 25.03.2021. After the Senior Citizen had expired, respondent No.3 filed an appeal under Section 16 of the Maintenance and the Welfare of Parents and Senior Citizens Act, 2007 before respondent No.1, Maintenance and Welfare of Parents and Senior Citizens Appellate Tribunal and Special Deputy Commissioner-1, Bengaluru North Sub-Division, Bengaluru [**the Appellate Tribunal**].

9. The Appellate Tribunal allowed the said appeal by an order dated 18.08.2022. Aggrieved by the said decision, the appellant preferred a writ petition (W.P.No.19353/2022) which was dismissed by the impugned order.

10. One of the principal grounds urged by the appellant for impugning the order of the Appellate Tribunal is that the said appeal was not maintainable under Section 16 of the Act since the remedy of appeal under the Act was available only to a Senior Citizen.

11. Although, the learned Single Judge accepted the said contention, the court also held that a petition under Section 23 of

the Act would be only maintainable against Donee who had expired.

12. *Prima facie*, if the gift deed is subject to the condition that the transferee would take care of the Senior Citizen's basic needs and would provide basic amenities, the said condition would not perish with the demise of the transferee. The proposition that the property which is conveyed by a gift deed and is subject to the said condition would be transmitted, but the obligation would stand extinguished would require consideration.

13. The impugned order does not indicate that the rival contentions in this regard were examined. In any view of the matter, since the appellant's petition was largely confined to the question that the appeal preferred before the Appellate Tribunal was not maintainable – which the learned Single Judge accepted – the order passed by the Appellate Tribunal, which was impugned in the said petition, was required to be set aside. Consequently, the petition was liable to be allowed.

14. Mr. Dhyan Chinnappa, the learned Senior Counsel appearing for respondent Nos.3 to 5 submits that the appeal would not be maintainable in view of the decision of this court in **Smt. M. Sunitha (Vidyasri) v. Smt. M. Shashikala Mugadura**: W.P.No.147056/2020 (GM-RES) decided on 20.07.2021. He points out that the said decision was rendered by the learned Single Judge of this court and held that an appeal under Section 16 of the Act would be maintainable by both the parties. The reliance placed by the respondents on the said decision is misplaced in view of the subsequent decision of the Division Bench of this court in **Sri K. Lokesh v. The Bangalore District Maintenance and Welfare of Parents and Senior Citizens Appellate Tribunal and Deputy Commissioner-1, Bengaluru North Sub-Division and others**: W.A.No.254/2024 (GM-RES) : NC:2024:KHC:53004-DB.

15. The language of Section 16 of the Act is not ambiguous. Section 16(1) of the Act expressly provides that any Senior Citizen or a parent as the case may be, prefer an appeal before the Appellate Tribunal. It is settled law that there is no inherent right of an appeal and it is only a statutory right. Since the Act provides this

right only to the Senior Citizen, the respondents would have no right to file an appeal against the decision of the Maintenance Tribunal.

16. This question also stands covered by the Division Bench of this court in **Sri K. Lokesh** (*supra*).

17. The appeal is accordingly allowed and the impugned order as well as the order passed by the Appellate Tribunal, which was impugned in the writ petition, is set aside. We clarify that this order would not preclude the respondents from availing their remedies, *albeit* in accordance with law.

18. The pending interlocutory application also stands disposed of.

Sd/-
(VIBHU BAKHRU)
CHIEF JUSTICE

Sd/-
(K.S. HEMALEKHA)
JUDGE

KPS
List No.: 1 Sl No.: 7