

IN THE HIGH COURT OF KARNATAKA AT BENGALURU

[S USHA VS. ASSISTANT COMMISSIONER AND ANOTHER]

19.01.2026

(VIDEO CONFERENCING / PHYSICAL HEARING)

CORAM: HON'BLE MR. JUSTICE B M SHYAM PRASAD

ORAL ORDER

Sri P N Harish, the learned counsel for the petitioner, and Sri Siddharth B Muchandi, the learned counsel who on caveat for the second respondent, are heard on the grant of *ad interim* order.

The petitioner is aggrieved by the first respondent's order dated 07.01.2026 [*Annexure-F*] under the Maintenance and Welfare of Parents and Senior Citizens Act, 2007. The first respondent has cancelled the Gift Deed dated 23.08.2013 executed by the second respondent [the petitioner's father] in favour of the petitioner. Sri P N Harish submits that the first respondent, before intervening in exercise of powers under Section 23 of the Act, should have considered, especially when the gift deed does not contain any reason for the execution thereof, whether the second respondent, who has a son and another daughter in whose favour he has settled multiple properties, was under any

duress to initiate proceedings. The learned counsel also submits that the second respondent is a retired lecturer drawing pension.

On the request for interim order, Sri P N Harish submits that the petitioner's husband has taken voluntary retirement and she has to support two college going children.

In consideration of these submissions, and to ensure that there is no precipitation, there shall be stay of the first respondent's order dated 07.01.2026 [*Annexure-F*] subject to the following conditions with liberty to the second respondent to file the application for vacating.

ORDER

- [a] The second respondent shall not, taking advantage of the first respondent's order dated 07.01.2026 [*Annexure-F*] or the cancellation of the entries thereafter, create any third party interest in the subject property.
- [b] The petitioner shall continue to reside in the subject property, but on the condition that, with effect from 01.01.2026, she shall deposit to the second

respondent's account in a sum of Rs.6,000/- every month.

Smt Saritha Kulkarni, a learned Additional Government Advocate, is called upon to accept notice for the first respondent.

The office is directed to re-list this petition on **02.03.2026.**

(B M SHYAM PRASAD)
JUDGE

AN/-

List No.: 2 Sl No.: 14