

IN THE HIGH COURT OF KARNATAKA AT BENGALURU
[SMT. VANITHA M VS. THE ASSISTANT COMMISSIONER AND
ANOTHER]

24.02.2026

(VIDEO CONFERENCING / PHYSICAL HEARING)

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

ORAL ORDER

This petition was listed yesterday [*i.e., on 23.02.2026*] with Mr. Shriram Adiga, the learned counsel for the petitioner, seeking interim orders for protection of the petitioner's right *viz.*, the right to reside in the ground floor of the property bearing No. 63/1, 4thMain Road, Gangappa Block, Ganganagar, Bengaluru - 560032 [*the subject property*]. The dispute is over the petitioner's right to reside in this property with the orders in favour of the mother-in-law [*the second respondent*] under the Maintenance and Welfare of Parents and Senior Citizens Act, 2007 [for short, '*the Act*'].

The learned counsel, who is on record for the second respondent refuted the petitioner's assertion that she resides in the ground floor of the subject property. Therefore, this

Court has granted an opportunity to the parties to secure instructions lest this Court could take a strict view if there is any false statement. The second respondent is present today with her younger son [Mr. Narasimha Murthy] and makes a request for extension of time to engage another counsel.

The petitioner's case is that after the death of her husband on 20.04.2021, and because she has filed suit for partition in O.S. No.4996/2021, the second respondent has been set up by other family members to commence proceedings under the Act for cancellation of the gift deed under which the subject property is also granted to her husband. The Competent Authority under the Act [*the first respondent*] has passed the impugned order dated 18.11.2025, which reads only as under.

ಮಂತ್ರಿ ಕೂಡ	ಅವರ ಪುತ್ರ	ವೆ ಪುತ್ರ
ಸಂಬಂಧಿಸಿದಂತೆ	ಅವರ ಪುತ್ರ	ಪುತ್ರರು
(1) ರಾಜಿ	ಅರಜಿದಾರದ	ಶರಣಿ
ಚಿ ಸುಮ	gA,ÉU ಈ ಪುತ್ರರು	
ಪುತ್ರರು	ಸುಮ : ಎಂಎಸ್	
ನೆ /ನೆ ಆ /123/2025	ರಾಜಿ	ಪುತ್ರರು
ದಾಖಲಿಸಿದ		ಪುತ್ರರು
ಪುತ್ರರು	ಅರಜಿದಾರರು	
ಮನೆಗೆ ಸುಮ	ಆಡುಗೆ	ತಯ ರಿಸಲು
ಬಿ ದಾ	ಮನೆಗೆ	ಬಿಗಿ
ಹಾಕಿಕೊಡುತ್ತದೆ		ಆಡುಗೆ
ಮಾಡಿಕೊಡುತ್ತದೆ	ಮಾಡುಗೆ	ಮನೆಯಲ್ಲಿ
ಶಾಂತಿಯಿಂದ	ಬದಲಾಯಿಸಲು	ಅವಕಾಶ

ಮಾಡಿಕೊಂಡು ಮತ್ತೆ ದೆ ಮೆರಿಟೋಸ್ ಅಂಡ್
ವೆಲ ಫೆಲ ಪೆರೊಸ್ ಕಾರ್ಡ್ 2007
ರಡೆ ಸಂರಕ್ಷಣೆ ನೆಲೆ ಸೂಚಿಸಿದೆ ."

Mr. Shriram Adiga when queried is categorical that after the impugned order dated 18.11.2025, the second respondent, supported by her family members claiming under the second respondent has entered possession of the ground floor breaking open lock and that the petitioner is constrained to approach the jurisdictional police in Crime No.6/2026.

The second respondent and her son who are present assert that all the four floors in the building make one tenement and as such, the petitioner's case is false. The second respondent must have an opportunity to engage her counsel, but this Court must also ensure that all the facts are placed on record for just orders, especially with the first respondent being absolutely perfunctory in passing the impugned order.

As such, the jurisdictional Tahsildhar is called upon to visit the subject property on 27.02.2026 and file a report into this Court on the nature of the construction in the

subject property and the details of the occupation with requisite photographs.

It is ordered accordingly and with liberty to the second respondent to engage a counsel by her choice, the office is directed to re-list this petition on **03.03.2026** in the *Orders* Category.

(B M SHYAM PRASAD)
JUDGE

RB
List No.: 3 Sl No.: 2