

IN THE HIGH COURT OF KARNATAKA AT BENGALURU

[DR M L SURESH BABU, VS. THE CHAIRMAN, AND
OTHERS]

26.02.2026

(VIDEO CONFERENCING / PHYSICAL HEARING)

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

ORAL ORDER

The petitioner undisputedly has purchased the subject property from a son and his wife prior to the commencement of the proceedings under the Maintenance and Welfare of Parents and Senior Citizens Act, 2007 [for short '*the Act*'] for cancellation of the Gift Deed dated 07.09.2017 executed by the mother [*the second respondent*].

2. This is the second round of litigation after the competent authority's order in favour of the mother [*the second respondent*]. The first proceedings have culminated with this Court's order in the writ petition in W.P. No.21115/2023 with the petitioner being reserved with liberty to call the Assistant Commissioner's order in separate writ proceedings. The only question in the earlier petition was whether in the appeal under at the petitioner's instance the Deputy Commissioner [*the Appellate Authority*] could have intervened.

3. Sri Bharath Kumar V and Sri Sandeep Patil, the learned counsels for the contesting parties are heard. The question that will have to be considered is:

Whether the second respondent is justified in interfering to cancel the earlier gift deed after the sale deed in favour of the petitioner in the year 2018, if the only assertion in support of the cancellation was that the second respondent was brought under duress.

This question arises because both Sri Bharath Kumar V and Sri Sandeep Patil propose to elaborate on the circumstances which according to them must prevail for and against the affirmation of the Assistant Commissioner's order and until then there cannot be precipitation. Therefore, there must be stay of the Assistant Commissioner's order dated 09.06.2022 [Annexure-A]. At this stage, the next question would be whether the petitioner must be called upon to pay any maintenance as a purchaser of the property that was transferred under the gift deed by a senior citizen.

4. Sri Bharath Kumar asserts that the second respondent's husband has a property which fetches income and she also receives financial assistance from her other son. The petitioner will have to ensure that there no arrears in municipal taxes for the built-up property and there is due maintenance. The rent, even according to the second respondent, paid by the tenant in possession of the subject property is Rs.25,000/-.

5. On a careful consideration of the submissions, this Court is of the view that there must be an interim order staying the operation of the first respondent's order dated 09.06.2022 [Annexure-A] subject to the condition that the petitioner shall pay a sum of Rs.15,000/- every month to the second respondent's known account. The petitioner shall pay this amount effective from 01.02.2026 and the first amount shall be paid within two weeks from today and an affidavit also filed within this period. The petitioner shall ensure the amount that is stipulated now is credited to the second respondent's known account before the fifth day of each month. It is ordered accordingly.

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

There shall be Emergent Notice returnable by **21.04.2026** to the third and fourth respondents.

The office shall list this petition before the learned nominated Registrar if further orders are required on issuance of notice and the petition shall be listed before this Court only after service of notice unless an application is filed.

(B M SHYAM PRASAD)
JUDGE

AN/-

List No.: 2 Sl No.: 26