



IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 25TH DAY OF MARCH, 2026

BEFORE

THE HON'BLE MR. JUSTICE SACHIN SHANKAR MAGADUM

WRIT PETITION NO. 10951 OF 2025 (GM-RES)

BETWEEN:

SMT. NAGARATHNAMMA S. K.
W/O LATE HANUMANTHARAJU N.H,
AGED ABOUT 39 YEARS,
R/A NERALAKERE VILLAGE,
THIPPASANDRA HOBLI,
MAGADI TALUK,
RAMANAGARA DISTRICT 562131

...PETITIONER

(BY SRI. PRADEEP J.S.,ADVOCATE)

AND:

1. THE STATE OF KARNATAKA
REPRESENTED BY ITS REVENUE SECRETARY,
VIDHANA SOUDHA,
BENGLAURU 560001
2. THE ASSISTANT COMMISSIONER,
RAMANAGARA TALUK,
PRESIDING AS PRESIDENT,
SENIOR CITIZEN MAINTENANCE TRIBUNAL,
RAMANGARA - 562159
3. SHRI. HONNAIAH,
S/O LATE HONNAPPA,
AGED ABOUT 90 YEARS,
R/A NERALAKERE VILLAGE,
THIPPASANDRA HOBLI,
MAGADI TALUK,
RAMANAGARA DISTRICT - 562131





PRESENTLY RESIDING AT
633/62, 5TH MAIN,
13TH CROSS ROAD,
GOVINDARAJANAGARA,
M.C. LAYOUT, VIJAYANAGARA,
BENGLAURU 560040

...RESPONDENTS

(BY SMT. NAVYA SHEKHAR AGA FOR R1 & R2;
SMT. N. ROOPA ,ADVOCATE FOR;
SRI. N. SRIDHAR FOR C/R3)

THIS WP IS FILED UNDER ARTICLES 226 & 227 OF THE
CONSTITUTION OF INDIA PRAYING TO ISSUE A WRIT OF
CERTIORARI TO QUASH THE IMPUGNED ORDER AT ANNEXURE
- A PASSED BY THE 2ND RESPONDENT DATED 27-02-2025 IN
CASE NO- SENIOR NA.R.KAA.SUM/24/2024-25.

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

CORAM: HON'BLE MR. JUSTICE SACHIN SHANKAR MAGADUM

ORAL ORDER

The captioned writ petition is filed assailing the
order dated 27.02.2025 passed by respondent No.2 -
Assistant Commissioner in declaring the Gift Deed as a
void document exercising the jurisdiction under Section
23(1) of the Maintenance and Welfare of Parents and
Senior Citizen Act, 2007 (for short 'Act, 2007').



2. Heard learned counsel for the petitioner, learned counsel appearing for respondent No.3 and learned AGA appearing for respondent Nos.1 and 2.

3. Facts leading to the case are as under;

The petitioner is the daughter-in-law of respondent No.3. The petitioner's husband, namely late Hanumantharaju N.H., passed away on 17.02.2024. It is the specific case of the petitioner that respondent No.3, out of his own volition, love and affection towards his son, had executed a registered Gift Deed dated 09.11.2020, thereby transferring the subject agricultural property bearing Sy.No.9/2 measuring 1 acre 33 guntas situated at Neralakere Village, Thippasandra Hobli, Magadi Taluk, Ramanagara District, in favour of his son i.e., the petitioner's husband.

4. The grievance of the petitioner arises subsequent to the demise of her husband. It is contended that



respondent No.3, instead of honouring the transfer effected under the registered Gift Deed, initiated proceedings under Section 23 of the Act, 2007 seeking declaration of the said Gift Deed as void and further claiming maintenance of ₹10,000/- per month along with litigation expenses of ₹20,000/-. The Tribunal, without advertng to the statutory requirements contemplated under Section 23(1) of the Act, 2007, proceeded to allow the application and declared the Gift Deed as void, thereby giving rise to the present writ petition.

5. This Court has meticulously examined the recitals and covenants contained in the registered Gift Deed dated 09.11.2020 executed by respondent No.3 in favour of the petitioner's husband. A careful and holistic reading of the document unmistakably reveals that the transfer was absolute in nature and not subject to any condition whatsoever. There is no stipulation in the Gift Deed obligating the transferee to provide maintenance, basic



amenities, or physical needs to the transferor. The absence of any such condition assumes critical significance in the context of invocation of Section 23 of the Act, 2007.

6. At this juncture, it is necessary to examine the statutory framework and legislative intent underlying Section 23 of the Act, 2007. The said provision is a beneficial piece of legislation enacted to safeguard the interests of senior citizens who, after transferring their property, are left destitute or neglected by the transferees.

7. The scheme of Section 23(1) of the Act, 2007 postulates two indispensable conditions for its invocation:

(i) Conditional Transfer: The transfer of property by a senior citizen must be subject to a condition that the transferee shall provide for the basic amenities and basic physical needs of the transferor; and



(ii) Breach of Condition: The transferee must have refused or failed to honour such condition, thereby neglecting or refusing to provide the agreed amenities and care.

8. It is only upon the coexistence of these twin conditions that the jurisdiction of the Tribunal is triggered. Upon satisfaction of these statutory prerequisites, the Tribunal is empowered to conduct an enquiry and, if it is established that the transferee has breached the condition, declare the transfer as void and restore the property to the senior citizen.

9. Thus, Section 23 does not confer a general power to annul transfers. The jurisdiction is narrowly tailored and is conditional upon the existence and breach of an express stipulation in the instrument of transfer. The provision cannot be invoked in cases where the transfer is absolute and unconditional, nor can it be used as a substitute for



adjudication of civil disputes relating to fraud, coercion, or validity of documents.

10. In the present case, the material on record clearly indicates that the Gift Deed executed by respondent No.3 is not accompanied by any condition requiring the transferee to provide maintenance or other basic amenities. In the absence of such a foundational requirement, the very invocation of Section 23 of the Act, 2007 is legally untenable.

11. The facts of the case also disclose a rather disturbing scenario. The petitioner is a young widow who has been left to fend for herself and her minor daughter aged about 11 years. The action initiated by respondent No.3, seeking to nullify an unconditional transfer and simultaneously claim maintenance, reflects a manifestly inequitable approach. This Court cannot be oblivious to the prevailing social realities wherein widowed daughters-in-law, particularly those having minor children, are often



subjected to adverse and hostile treatment within the matrimonial family. The present case appears to be one such instance, as borne out from the records.

12. Learned counsel for respondent No.3 contended that the Gift Deed in question was obtained fraudulently by the petitioner's husband during his lifetime. However, despite raising such a plea, respondent No.3 has not taken any steps to challenge the Gift Deed before a competent Civil Court on the ground of fraud.

13. Even assuming that the allegation of fraud is raised, such a dispute squarely falls within the domain of a Civil Court and cannot be adjudicated by the Tribunal constituted under the Act, 2007. The Tribunal is not vested with plenary adjudicatory powers to decide complex questions relating to title, fraud, or validity of documents. Its jurisdiction is confined to the limited scope envisaged under Section 23, namely, examining whether a conditional transfer has been breached.



14. Therefore, the attempt made by respondent No.3 to indirectly challenge the Gift Deed on the ground of fraud by invoking Section 23 is wholly misconceived and impermissible in law.

15. The records further reveal that respondent No.3 had received compensation of ₹55,00,000/- in respect of the very same property on account of installation of high-tension electrical lines. Additionally, it is evident from the pleadings in the partition proceedings initiated by his daughters that the family possesses several immovable properties. These circumstances clearly indicate that respondent No.3 is financially sound and has independent means of livelihood.

16. In such circumstances, the claim for maintenance against the petitioner, who is a destitute widow with a minor child to support, is wholly unjustified and contrary to the very spirit of the Act, 2007, which is intended to



protect vulnerable senior citizens and not to be misused as an instrument of oppression.

17. The Hon'ble Apex Court in ***Sudesh Chhikara v. Ramti Devi and Another (AIROnline 2022 SC 1357)*** has categorically held that Section 23 of the Act, 2007 can be invoked only when the transfer is conditional and such condition is breached. In the absence of a condition in the document of transfer, the provisions of Section 23 are inapplicable.

18. In the case on hand, not only is the Gift Deed devoid of any condition, but even the application filed by respondent No.3 does not plead the existence or breach of any such condition. Consequently, the twin requirements mandated under Section 23(1) of the Act, 2007 are not satisfied.

19. The impugned order passed by the Tribunal thus suffers from a patent error of jurisdiction, as it proceeds to annul an unconditional transfer contrary to the statutory



scheme. The Tribunal has failed to appreciate the scope and limitations of its powers under Section 23, rendering the impugned order unsustainable in law.

20. The facts of the present case also disclose an unfortunate yet recurring social reality. After the untimely demise of the petitioner's husband, the conduct of respondent No.3, who is none other than the father-in-law, along with other family members, reflects a palpable shift in attitude towards the petitioner and her minor daughter. A widow, particularly one left with a young daughter, often finds herself in a vulnerable and disadvantaged position within the matrimonial household. Instead of extending protection and support, the petitioner has been subjected to a hostile and exclusionary approach, evident from the attempts made to deprive her of the property which had already been lawfully transferred in favour of her deceased husband.



21. This Court cannot be oblivious to the entrenched societal mindset prevailing in certain sections of Indian society, where upon the death of a male member, the widow and minor daughters are frequently perceived as burdens rather than rightful members of the coparcenary family. Such a regressive outlook often results in their marginalization and denial of legitimate rights, particularly in matters relating to property and financial security. The present case is a stark illustration of such a mindset, where the petitioner, a helpless widow, and her minor daughter are sought to be divested of their lawful entitlement under the guise of statutory proceedings. Such conduct not only undermines the legal rights of the petitioner but also runs contrary to the principles of equity, social justice, and the protective ethos underlying beneficial legislations.

22. The material on record further discloses a telling inconsistency in the conduct of respondent No.3 and his family members. While the family has admittedly received



a substantial sum of ₹55,00,000/- as compensation on account of permitting the erection of a high-tension transmission line over the subject property, and has not hesitated to expend considerable amounts towards the electoral pursuits(Gram panchayat elections) of one of the sons of respondent No.3, it is striking that the same family exhibits reluctance in recognising and honouring the lawful entitlement of the petitioner and her minor daughter. This selective approach, where financial resources are readily deployed for discretionary and non-essential purposes, but withheld when it comes to securing the legitimate rights of a widowed daughter-in-law and her minor child, reflects a clear lack of bona fides and demonstrates the inequitable treatment meted out to the petitioner.

23. For the forgoing reasons this court passes following;

ORDER

(i) The writ petition is allowed.



(ii) The impugned order dated 27.02.2025 passed by respondent No.2 as per Annexure-A is hereby set aside and quashed.

(iii) Respondent No.2 – Assistant Commissioner shall, after due notice to respondent No.3, take necessary steps to restore the subject property in favour of the petitioner.

(iv) The aforesaid exercise shall be completed within a period of six (6) weeks from the date of receipt of a certified copy of this order.

Sd/-
(SACHIN SHANKAR MAGADUM)
JUDGE