



IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 26TH DAY OF MARCH, 2026

BEFORE

THE HON'BLE MR. JUSTICE SACHIN SHANKAR MAGADUM

WRIT PETITION NO. 28136 OF 2025 (GM-RES)

BETWEEN:

1. SRI. NATARAJA .S.R
S/O RUDRAPPA
AGE ABOUT 55 YEARS
R/AT NO. 74, RANGARAO ROAD
SHANKARAPURAM
BANGALORE - 560004.
2. SMT. S.C. AMBIKA
S/O SANTHOSH .M
AGE ABOUT 37 YEARS
R/AT NO 124, 4TH B CROSS
GANESHA TEMPLE
KSRTC LAYOUT, HEROHALLI
BENGALURU-560091.
3. SRI. MANJUPRASAD .M.C
W/O CHANDRASHETTY
AGE ABOUT 32 YEARS
R/AT SIGEHALLI
MARALIKUPPE VILLAGE
TUMKUR TALUK AND DISTRICT-572213.
4. SRI. YUVARAJ
W/O NAGASHETTY
AGE ABOUT 31 YEARS
R/AT TALAVADAKE VILLAGE
BALKI TALUK
BIDAR DISTRICT-585143.



5. SMT. S.C. VEENA
W/O N.D. RAJESHEKARAI AH
AGE ABOUT 40 YEARS
R/AT NEELASANDRA VILLAGE
ANAKANAHALLI MATHA POST
HULIYURU DURGA HOBLI
KUNIGAL TALUK
TUMKURU DISTRICT - 572213.

6. SMT. PARVATHAMMA
AGE ABOUT 59 YEARS
W/O CHANNAPPA
R/AT HOUSE NO. 33
SHIVANAHALLI VILLAGE
HULIYURUDURGA HOBLI
KUNIGAL TALUK
TUMKURU DISTRICT - 572 123.

...PETITIONERS

(BY SRI. VINAYA KUMAR .N.D, ADVOCATE)

AND:

1. SMT. JAYAMMA
W/O LATE SIDDALINGAIAH
AGE ABOUT 55 YEARS
R/AT KONDAHALLI VILLAGE
KASABA HOBLI
MAGADI TALUK
RAMANAGARA DISTRICT-562120.

2. SMT. SHAKUNTALA
W/O SRI. LAKSHMANA
D/O LATE SIDDALINGAIAH
AGED ABOUT 38 YEARS
R/AT NASEPALYA VILLAGE
MADABAL HOBLI
MAGADI TALUK
RAMANAGARA DISTRICT-562 120.



3. THE ASSISTANT COMMISSIONER
BENGALURU SOUTH SUB-DIVISION
BENGALURU-560 002.

...RESPONDENTS

(BY SRI. B.R. RAMACHANDRA REDDY, ADVOCATE FOR C/R1;
SMT. NAVYA SHEKHAR, AGA FOR R3)

THIS WP IS FILED UNDER ARTICLE 226 OF THE
CONSTITUTION OF INDIA, PRAYING FOR DIRECTION
QUASHING THE IMPUGNED ORDER DATED 02.05.2025,
PASSED BY THE R-3 IN MSC(CR):07/2025 AND ALLOWING THE
PETITION VIDE ANNEXURE-A.

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

This captioned petition is filed assailing the order
dated 02.05.2025 passed by respondent No.3 in declaring
the gift deed as void.

2. The petitioners, claiming to be bona fide
purchasers through their vendor, Smt.
Shakuntala, daughter of respondent No.1 have called in
question the order passed by respondent No.3 under
Section 23 of the Maintenance and Welfare of Parents and
Senior Citizens Act, 2007 (hereinafter referred to as "the



Act"). The principal contention advanced by the petitioners is that respondent No.1, being aged 55 years, was not entitled to invoke the provisions of the Act. It is further contended that the gift deed executed in favour of their vendor does not stipulate any condition obligating maintenance, and therefore, the invocation of Section 23(1) of the Act is legally untenable.

3. Today, the petitioners have placed on record a memo along with a compromise decree passed in O.S. No.219/2023. The said decree is relied upon to demonstrate that respondent No.1, along with other family members of the petitioners' vendor, has accorded consent in support of the present petition.

4. In that view of the matter, this Court deems it appropriate to extract the relevant portion of the compromise decree passed in O.S. No.219/2023. Paragraph 10 of the said decree, being material for consideration, is extracted hereunder:



"10. The Plaintiff and the Defendant submit that, during the pendency of the above suit the Plaintiff had also approached Assistant Commissioner, Ramanagara Sub-Division at Ramanagara in Petition No.40/2023-24 and Asst. Commissioner Bengaluru South Sub Division in Petition No.7/2025-26 under the provisions of Senior Citizens Act, 2007 against Defendant herein seeking for cancellation of gift deeds said to have been executed in favour of Defendant by the Plaintiff, the said Appeals were came to be allowed against which the aggrieved party i.e., the Defendant and the purchaser viz., namely Mr. Nataraj have preferred appeals before the Hon'ble High Court of Karnataka in Writ Petition No.28136/2025 shall be deemed to be allowed with the consent of the Plaintiff and which is filed by the purchaser namely Mr. Nataraj. In furtherance, the said purchaser have filed MFA No.8568/2023 against the Plaintiff and the Defendant before the Hon'ble High Court of Karnataka and the same are pending for consideration, in view of this compromise petition the purchaser namely Mr. Nataraj has agreed to withdraw the Appeal filed by the purchaser before the Hon'ble High Court of Karnataka. The Defendant filed the Writ Petition No.5974/2025, which shall also be agreed withdrawn. The Plaintiff has agreed to give consent for allow the Writ Petitions No.28136/2025 filed by the purchaser who claiming rights under the Defendant herein."

5. Upon a careful reading of the extracted paragraph of the compromise decree, this Court is of the considered opinion that the impugned order passed by respondent No.3 cannot be sustained in law for multiple



reasons. Firstly, respondent No.1, being aged 55 years, does not fall within the definition of a "senior citizen" under the Maintenance and Welfare of Parents and Senior Citizens Act, 2007, and therefore, the very initiation of proceedings under the said Act is without jurisdiction. Secondly, the gift deed executed in favour of the petitioners' vendor does not incorporate any stipulation or condition requiring the transferee to maintain the transferor, and in the absence of such a condition, invocation of Section 23(1) of the Act is wholly misconceived. Thirdly, the petitioners, being bona fide purchasers for valuable consideration under a registered sale deed, have acquired valid and enforceable rights in the subject property, which could not have been nullified by respondent No.3 in exercise of powers under the Act. On all these counts, the impugned order is liable to be set aside.



6. Accordingly, this Court proceeds to pass the following:

ORDER

- (i) The writ petition is ***allowed***;
- (ii) The impugned order dated 02.05.2025 passed by respondent No.3, vide Annexure-A, is hereby quashed.

**SD/-
(SACHIN SHANKAR MAGADUM)
JUDGE**

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List No.: 1 Sl No.: 42