



HC-KAR

NC: 2026:KHC:5649
WP No. 10835 of 2022

IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 02ND DAY OF FEBRUARY, 2026

BEFORE

THE HON'BLE MR. JUSTICE E.S.INDIRESH

WRIT PETITION NO.10835 OF 2022 (GM-RES)

BETWEEN:

1. SHRI DHARANESH
S/O LATE NANJEGOWDA
AGED ABOUT 47 YEARS
R/AT EW 10/263
2ND CROSS, JAYANAGAR EXTENSION
HASSAN 34.

...PETITIONER

(BY SRI. PRATHEEP K.C., ADVOCATE)

AND:

1. SMT. JAYALAKSHMI
W/O LT NANJEGOWDA
AGED ABOUT 76 YEARS
R/AT EW 10/263, 2ND CROSS
JAYANAGAR EXTN
HASSAN - 34.

2. THE DEPUTY COMMISSIONER
HASSAN DISTRICT
HASSAN - 01.

...RESPONDENTS

(BY SRI. ANOOP HARANAHALLI, ADVOCATE FOR R1;
SRI. MAHANTESH SHETTAR, AGA FOR R2)

THIS WRIT PETITION IS FILED UNDER ARTICLES 226
AND 227 OF THE CONSTITUTION OF INDIA PRAYING TO





QUASH THE IMPUGNED ORDER DATED 17.02.2022 ANNEXURE-A PASSED BY THE DEPUTY COMMISSIONER, HASSAN DISTRICT (R2) TO THE EXTENT OF ENTER THE KATHA IN THE NAME OF RESPONDENT NO.1 IN RESPECT OF PROPERTY BEARING ID NO.12-2-521-274A, DOOR NO.274 A IN SY.NO.69/1 SAS 442 MEASURING 60 X 50 FEET IN WARD NO.12, SITUATED AT CROSS ROAD, JAYANAGAR EXTENSION, HASSAN.

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

CORAM: HON'BLE MR. JUSTICE E.S.INDIRESH

ORAL ORDER

The petitioner has filed this writ petition assailing the order dated 17.02.2022 (Annexure-A) passed by Deputy Commissioner-respondent No.2, to the extent of entering the khata in the name of the respondent No.1 in respect of the subject property.

2. Heard Sri. Padeep K. C., learned counsel appearing for the respondent petitioner; Sri. Mahesh H., along with Sri. Anoop Haranahalli, learned counsel appearing for the respondent No.1 and Sri. Mahantesh



Shettar, learned Additional Government Advocate appearing for the respondent No.2- State.

3. Sri Pradeep K.C., learned counsel for the petitioner, contended that the order dated 27.01.2021 (Annexure-H) passed by the Assistant Commissioner, Hassan Sub-Division, that the Gift Deed dated 28.04.2016 (Annexure-B) is void, is incorrect. He further contended that, while doing so, the Assistant Commissioner directed the revenue authorities to enter the names of the petitioner and respondent No.1 jointly in the khata in respect of the subject property. However, the said order, according to the learned counsel, has been erroneously interfered with by respondent No.2 and therefore, sought for interference of this Court.

4. It is further argued that a perusal of the recitals in the Gift Deed dated 28.04.2016 does not



disclose any condition requiring the petitioner to maintain respondent No.1. Therefore, the finding of both the authorities declaring the Gift Deed as void and same is contrary to the law declared by the Hon'ble Supreme Court in ***Sudesh Chhikara vs. Ramti Devi and another***, reported in **(2024) 14 SCC 225**. Learned counsel further submitted that even though the Sub-Divisional Officer had ordered for maintaining joint khata as per Annexure-H, however, the same was wrongly set aside by the respondent No.2, which calls for interference in the present writ petition.

5. It is also contended by the learned counsel appearing for the petitioner that ,respondent No.2 has set aside the order of the Assistant Commissioner in its entirety, including the observation directing entry of joint khata in the names of the petitioner and



respondent No.1, which is unsustainable in law. Accordingly, sought for interference of this Court.

6. Per contra, Sri. Mahesh H., learned counsel for respondent No.1 submitted that the property in question is self-acquired property of respondent No.1. It is contended that the Assistant Commissioner committed a serious error in directing entry of joint khata in the names of the petitioner and respondent No.1. Aggrieved by the said direction, respondent No.1 preferred an appeal before respondent No.2, who, after considering the material on record, has rightly passed the impugned order. Hence, it is argued that the writ petition deserves to be dismissed.

7. Sri. Mahantesh Shettar, learned Additional Government Advocate appearing for respondent No.2-State, invited the attention to the object and purpose of the Maintenance and Welfare of Parents and Senior



Citizens Act, 2007 (for short, the 'Act'). He places reliance on the judgment of the Hon'ble Supreme Court in the case of ***Urmila Dixit vs. Sunil Sharan Dixit and others*** reported in ***(2025) 2 SCC 787***, and contended that the object of the Act has to be given due consideration while deciding disputes of the present nature. Accordingly, he sought dismissal of the writ petition.

8. In the light of the submissions made by the learned counsel appearing for the parties, it is not in dispute that respondent No.1 is the mother of the petitioner. Respondent No.1 executed a registered Gift Deed dated 28.04.2016 in favour of the petitioner, gifting the schedule property to the petitioner out of love and affection.

9. A perusal of the recitals in the Gift Deed clearly indicate that respondent No.1 has explicitly



referred to her maintenance by the petitioner. The relevant recital reads as under:

"Whereas, the donor with a noble intention of looking after, the Donee, with all care, love and affection, has given the property mentioned in the schedule hereto, to the control and custody of the Donee."

(Underlined by me)

10. In view of the above recital, and following the law declared by the Hon'ble Supreme Court in the case of **Urmila Dixit (supra)**, particularly paragraphs 14 and 23 to 25, it is evident that the gift was conditional and essentially connected to the obligation of maintenance. Paragraphs 14 and 23 to 25 of the said judgment reads as under:

"14. Therefore, it is apparent, that the Act is a beneficial piece of legislation, aimed at securing the rights of senior citizens, in view of the challenges faced by them. It is in this backdrop that the Act must be interpreted and a construction that advances the remedies of the Act must be adopted."



HC-KAR

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23. The Appellant has submitted before us that such an undertaking stands grossly unfulfilled, and in her petition under Section 23, it has been averred that there is a breakdown of peaceful relations inter se the parties. In such a situation, the two conditions mentioned in Sudesh (supra) must be appropriately interpreted to further the beneficial nature of the legislation and not strictly which would render otiose the intent of the legislature. Therefore, the Single Judge of the High Court and the tribunals below had rightly held the Gift Deed to be cancelled since the conditions for the well-being of the senior citizens were not complied with. We are unable to agree with the view taken by the Division Bench, because it takes a strict view of a beneficial legislation.

24. Before parting with the case at hand, we must clarify the observations made vide the impugned order qua the competency of the Tribunal to hand over possession of the property. In S. Vanitha (supra), this Court observed that Tribunals under the Act may order eviction if it is necessary and expedient to ensure the protection of the senior citizen. Therefore, it cannot be said that the Tribunals constituted under the Act, while exercising jurisdiction under Section 23, cannot order possession to be transferred. This would defeat the purpose and object of the Act, which is to provide



speedy, simple and inexpensive remedies for the elderly.

25. Another observation of the High Court that must be clarified, is Section 23 being a standalone provision of the Act. In our considered view, the relief available to senior citizens under Section 23 is intrinsically linked with the statement of objects and reasons of the Act, that elderly citizens of our country, in some cases, are not being looked after. It is directly in furtherance of the objectives of the Act and empowers senior citizens to secure their rights promptly when they transfer a property subject to the condition of being maintained by the transferee.

11. The Hon'ble Supreme Court in the case of ***Urmila Dixit*** (supra) had an occasion to consider the earlier judgment in ***Sudesh Chikara*** (supra) and upon such consideration, has clearly laid down the legal position governing conditional gifts executed by senior citizens.

12. Applying the said principles to the facts of the present case, this Court is of the considered



opinion that the arguments advanced by the learned counsel for the petitioner cannot be accepted. Accordingly, the writ petition is ***dismissed*** as devoid of merits.

**SD/-
(E.S.INDIRESH)
JUDGE**

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List No.: 1 Sl No.: 24