



FACULTY OF JURIDICAL SCIENCES

COURSE NAME : LLB

SEMESTER : IIIrd

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LECTURE : 8

FACULTY NAME: Mr JP Srivastava

Joint family property

Joint family or coparcenary property is that property in which every coparcener has a joint interest or right and over that property, the coparcener has a joint possession. Or we can also say that the joint family property is the property which is jointly acquired by the member of the family with the aid of ancestral property.

Joint family Property defines as if any member of joint family property acquired in his own name in the presence of an ancestral nucleus. In V.D. Dhanwatey v. CIT, 1968, it was held that “The general doctrine of Hindu law is that property acquired by a Karta or a coparcener with the aid or assistance of joint family assets is impressed with the character of joint family property. To put it differently, it is an essential feature of a self-acquired property that it should have been acquired without assistance or aid of the joint family property. It is therefore clear that before an acquisition can be claimed to be separate property, it must be shown that it was made without any aid or assistance from the ancestral or joint family property.”

Many times it is believed that property possessed by members of a joint family is a Joint family property. In the case of Srinivas Krishna Rao Kango vs. Narayan Devji Kango, 1954, it was held that “The Hindu law upon this aspect of the case is well settled. Proof of the existence of a joint family does not lead to the presumption that any property held by any member of the family is joint, and the burden rests upon anyone asserting that any item of property was joint to establish the fact.

Some considered Coparcenary property and Joint family property as two different things but actually both are same under Hindu law.

The basic difference which is considered and said that both are different is that in joint family property, both males and females are considered as members whereas, In coparcenary, only male members are considered as a member. Female members have no right or interest in the property by birth in a Joint family but In Coparcenary, all members have equal right or interest in the property by birth.

These little differences make people think that both Joint family property and coparcenary are two different concepts otherwise it is considered as the same under Hindu law.

Property related matters are a serious concern or problem that is faced by the Indians. A lot of rules and amendments were made in order to lessen the number of disputes related to property

matters and the government has also established many regulatory bodies which regulate the problem of property and classification of property under Hindu law and Hindu succession act. Land dispute or property dispute is not something new dispute or conflict which arises in this generation. It has been prevalent since the very early period but there were no provisions of law that can regulate the conflict of property.

MCQ

1. The income of the joint family property can be consider as _____ -- by its holder.
 - A) Separate
 - B) Joint
 - C) A & B both are correct
 - D) none of the above

2. Who can gift?
 - A) A competent person who can make a contract
 - B) Property owner
 - C) Who has power to dispose property
 - D) All of the above persons

3. Can any woman gift her “Stridhan”?
 - A) Yes
 - B) No
 - C) By consent of her husband
 - D) None of the above

4. _____ is essential for gift.
 - A) Written
 - B) Oral
 - C) Acceptance
 - D) All of the above are true

5. Any hindu is entitled to dispose of _____ property at will.
 - A) Self acquired and separate
 - B) Inherited
 - C) A & B both are correct
 - D) A & B both are wrong