

Coparcenary Property

Coparcenary property is a concept rooted deeply in Hindu law, pertaining specifically to the joint family property. This system is built on the idea that a Hindu undivided family (HUF) can own property collectively, with the rights to the property being shared among the family members.

What is Coparcenary Property?

Coparcenary property refers to the property that is inherited by a Hindu individual from his father, grandfather, or great-grandfather. The property rights are initially vested in the eldest few generations of male members — these members are called coparceners. With the amendment of the Hindu Succession Act in 2005, daughters were also included as coparceners, holding equal rights to the coparcenary property as sons.

do not hold any specific part of the property individually.

- Management: The property is typically managed by the senior-most member of the family, known as the Karta. The Karta has the right to manage the property and make decisions regarding its use, within certain legal bounds.
- Partition: Any coparcener can demand a partition of the coparcenary property, which would then divide the property among all coparceners according to their shares.

Implications of Coparcenary Property

The concept of coparcenary property ensures that family assets remain within the family and supports members who may not have

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Characteristics of Coparcenary Property

- Creation: Coparcenary property is created automatically by birth; it does not require a formal deed or document.
- Rights of Coparceners: Each coparcener has an undivided interest in the property, which means they share ownership but

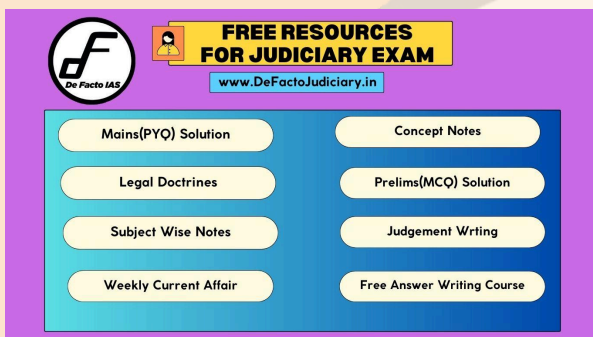
personal assets. It fosters a sense of unity and joint responsibility among the family members. However, it can also lead to disputes, especially regarding the division of property and the rights of individual members, which often necessitates legal intervention.

The 2005 Amendment to the Hindu Succession Act

The Hindu Succession (Amendment) Act, 2005, was a revolutionary reform in Hindu personal law. This amendment granted daughters the same rights as sons to be coparceners, owning and managing family property from birth.

The inclusion of daughters as coparceners not only enhances their property rights but also promotes gender equality in the economic sphere of Hindu families.

the father was alive at the time of the amendment. This judgement clarified that the law applies to all daughters, regardless of when they were born, ensuring that the rights are not conditional or restricted by any temporal constraints.



Impact of the Amendment

The amendment allows daughters equal share in the ancestral property, alongside their brothers, which marked a pivotal shift from the traditional patrilineal inheritance system.

Daughters can now claim partition and have liabilities and responsibilities similar to sons. This change has led to a significant empowerment of women within the family structure, providing them with financial independence and security.

Vineeta Sharma v. Rakesh Sharma (2020)

The Supreme Court's decision in Vineeta Sharma v. Rakesh Sharma further cemented the rights introduced by the 2005 amendment.

The court ruled that the rights of daughters to coparcenary property are inherent and retroactive, applying irrespective of whether