

No to common mess,
worship and estate.
the



**ASSIGN
BUSTER**

No coparcener could transfer his interest in coparcenary property on his will but now after passing of the Hindu Succession Act, 1956, Section 30 has empowered the coparcener to transfer his undivided interest in the coparcenary property by will. There is no determinate share of any coparcener in joint Hindu family. So long the family remains joint no one can say definitely that this is his property or that item of property belongs to him, even if that property is in his possession or use. The interest fluctuates with the birth and death of the persons in the family.

Every coparcener has got the right to demand partition and to prevent the alienation of any part of the coparcenary property by the other coparcener. The coparceners in Dayabhag do not enjoy this right. In Dayabhag the coparceners cannot demand partition either of coparcenary property or separate property during the lifetime of his father.

It is only after death of the father that sons acquire an interest in the property. In absence of any proof of partition there is presumption of jointness of Hindu family with respect to common mess, worship and estate. The presumption becomes stronger in the case of real brothers. It weakens with the farther ones from the common ancestor.