

Therefore, that the
doctrine of pious
obligation



Therefore, even though, the father's power to discharge his debt by selling the share of his sons in the property may no longer exist as a result of partition, the right of the judgment-creditor, who has obtained a decree against the father, to seize the erstwhile coparcenary property remains unaffected and undiminished because of the pious obligations of the sons. In *Keshav Nandan v. Bank of Bihar*, the Patna High Court has held that the sons are liable to pay debts contracted by the father before partition unless there was an arrangement for payment of these debts at the time when the partition took place. This view was again supported by Gujarat High Court in *Jayanti Lal v. Shrikant*. The Court held that the doctrine of pious obligation applies to the debts contracted by the father before partition but it does not apply to debts incurred after partition.

The sons even after partition are under pious obligation to pay off the debt incurred by their father before partition. Where a money decree is obtained by a creditor against the Hindu father before the partition of the joint family property, the right of the pre-partition creditor to seize the property of the erstwhile joint family in execution of his decree is not dependent upon the father's power to alienate the share of his sons but on the principle of pious obligation on the part of the sons to discharge the debt of the father. The pious obligation continues to exist even though the power of the father to alienate may come to an end as a result of partition.