

Void the coparceners
then according to
madras high



**ASSIGN
BUSTER**

Void Gift:

According to Narad in the following conditions the gift is void— (1) Gift made by a person in anger, fear or deep distress; (2) Gift made with consideration or amusement, or under misapprehension or fraudulent conduct; (3) Gift made by a minor, idiot, or a person under compulsion or illness or disturbed mind or by a person of unsound mind or mad or intoxicated person; (4) Gift made with an intention that the donee will perform service in lieu of it; (5) Gift given to an improper person under ignorance or gift under mistake of fact that it is for some good purpose, whereas the purpose is not good.

Persons Competent to Receive Gifts:

Those persons who are minors, or are non-living or are incapable of being heirs due to some incapacity are not entitled to take the gift. Where gift is jointly made in favour of two or more than two persons and one of them is capable to receive the gift while the other is not then the person who is capable will take the whole of the gifted property. When two persons jointly take the gift, then they do not take as joint owners but as co-owners. Where gift has been given to the coparceners then according to Madras High Court's decision, in absence of any contrary intention expressed in the gift deed they will receive the gift as co-owners.

Gift in Favour of Unborn Person:

Under old Hindu law, gift could not be made in favour of a person who was not in existence when the gift was made.

But this rule has been altered by Hindu Transfer and Bequests Act, 1914.

Uptill now in Madras the Hindu Transfer and Bequests Act 1921 was in vogue, but in 1960 this enactment was repealed and from 1 Feb, 1960 the Hindu Disposition of Property Act 1916 has been enforced in Madras. The Hindu Transfer and Bequests Act, 1961 has come into force all over India except Jammu & Kashmir.