



FACULTY OF JURIDICAL SCIENCES

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Re-union, Position, Status, Liability and Powers of the Karta in the Hindu Joint Family

Meaning and Essential elements of Reunion

The word 'reunion' is self-explanatory. It simply means establishing the joint status of a family again which was lost due to partition amongst the coparceners. After a partition takes place in a Hindu joint family, reunion is the only way left through which the joint status of the family as before the partition can be regained.

Reunion can take place among those members who originally had the joint status in the property as a coparcener. In other words, only those persons can reunite who were the parties to the original partition.

While reuniting, the intention of the parties is an essential factor. To constitute a reunion, there must be an intention of the parties to reunite in estate and interest. The intention should be aiming towards reversing the present status to the former status of joint tenancy. Absence of intention will not lead to reunion. Also, mere living together without any intention of reunion, will also not be considered as a reunion. The intention must be communicated clearly and unequivocally. The act of the reuniting must be unilateral i.e. each coparcener must give his consent for reunion. It can come into effect only on mutual agreement of all the parties whereby all the members agree to regain their joint status and thus, forming a Hindu joint family again.

It is not necessary to have any formal agreement of reunion. It may be oral or written which is not mandatory to be registered or by the conduct of the parties.

Effect of Reunion

The first effect of reunion is to remit the reunited members to their former status as members of a Hindu joint family. Secondly, through reunion, the property in the hands of the separate members is thrown back to the pool of Hindu joint family property. The members regain the status of undivided coparceners. Therefore, the reunion restores the joint family to its former status and position so that there must not exist any difference in any essential particular from the status of family before partition.

It is a well established law that a Hindu family is presumed to be joint until the contrary is proved. But as soon as the partition is proved, the presumption is that the family is divided and will remain the same. Reunion of partition is a rare event which barely takes place in cases.

Therefore, when a reunion is pleaded before any court, it must be strictly proved that partition took place in the joint family. The evidence must be clear and consistent. Any kind of ambiguity in the conduct of the parties or in the evidence will not sustain a plea of reunion.

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1.

Once partition take place, the parted hindu can not get_____ position.

Separated

Joint

A & B both are correct

A & B both are wrong

2.

The properties which is not heritable:

Ancestral

Movable

Self acquired

None of these

3.

Each heir of decesed person is liable to the debts of a his / her deceased _____ :

Severally

Exclusively

Not beyond 1/3

None of these

4.

Hindu undevided family is not like as corporation a entity

Legal

Artificial

Separate

A & B is correct

5.

The status of the member of HUF is

Joint

Individual

A & B is correct

None of these

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