



# **FACULTY OF JURIDICAL SCIENCES**

**COURSE:**

**Semester**

**SUBJECT:**

**SUBJECT CODE:**

**NAME OF FACULTY:**

# Lecture-1



## LECTURE 1: Karta

Karta is a person who acquires a main position in the joint family property. He is denoted a manager, occupier of the family. The position of Karta is known as Sui Generic means he hold a unique position in the Joint family property. There can be more than once Karta in the Joint Family<sup>9</sup>. The Karta can be the Senior most male member of the family. His main duty is to represent his family members or act behalf of them. He is a person to whom all the family members are depended upon just they hold a fiduciary relation between them that they always wants a person to manage and look after the wellbeing of the family without any issues. So the Karta will look after the females, minors in the joint family and also give them maintenance. If the Karta fails to give maintenance then he can be sued or the maintenance as well as the arrears of the maintenance. He is responsible to give maintenance to unmarried daughters in the Joint family along with the debts if the family is having at any point of time. Thus all this will be the liability of a Karta to maintain the Joint Family member as well the business carried on. The following persons can be Karta in the Joint Family: • Senior Most Male Member: It is observed in *Shreeama v. Krishavenanama*<sup>10</sup> that the Senior male can be Karta without the agreement or consent of the coparceners and he hold the Kartaship • Junior Male Member: it is observed in *Narendra Kumar v. Commissioner of Income Tax*<sup>11</sup> that Junior Male can be Karta by understanding or agreement among the coparceners. In case *M/s Nopany Investments (P) Ltd. V. Santokh Singh*<sup>12</sup> it was held that the Junior Karta will not the capacity to file a suit. In *HariharSethi v. Ladu Kishore Sethi*<sup>13</sup> it was held by the Orissa High Court that junior coparcener can be the Karta when the senior most coparcener waives his right of Karta then a junior member can become Karta. • Female Member: It was observed in *Pandurang v. Pandurang*<sup>14</sup> that the females can be Karta in the absence of the male adult member. In the case *Commr. Of Income Tax v. Seth Govind Ram*<sup>15</sup> it was held that the females can't hold the position of Karta as per the Hindu Law text. It is contravention part of the Joint Family.

### SELF-TEST QUESTIONS

S.NO	Question	Option (a)	Option (b)
1.			
2.			
3.			
4.			
5.			

Answers: 1-(),2-(), 3-(),4-(),5-()