



# **FACULTY OF JURIDICAL SCIENCES**

**COURSE:**

**Semester**

**SUBJECT:**

**SUBJECT CODE:**

**NAME OF FACULTY:**

# Lecture-1



## LECTURE 1: Coparcenery

### COPARCENARY UNDER DAYABHAGA SCHOOL OF JOINT FAMILY

There is no concept of Joint Family under the Dayabhaga School as compared to the Mitakshara. There is no coparcenary consisting of Father, son, son's son, son's son's son. The existing of Dayabhaga coparcenary comes only after the death of the father, by that the son will inherit the property of him and constitute a coparcenary. The concept of Dayabhaga is followed only in certain parts of India like West Bengal, Assam etc. in this school there is no right by birth given to son. Son can inherit the property on his father's death. Likewise when son dies his heir's male or females can succeed his property. If suppose the son dies leaving behind widows or daughter's then they can succeed the property and becomes coparcener. The main difference between both the schools is that here the females can become coparcener. Here the each coparceners takes a definite shares, unity of possession. Suppose in a family consist of P and three sons B, C, D. On the death of A, the B, C, D will consist a coparcener. On the Death of B his heirs will coparcener and so on. But under Dayabhaga school the coparcenary can't consist of only females, there should be a male in first and followed by female's members. So if a male dies leaving behind his widow and two daughter they will succeed upon his property but will not be forming a coparcener.

### SELF-TEST QUESTIONS

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

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