



FACULTY OF JURIDICAL SCIENCES

COURSE:

Semester

SUBJECT:

SUBJECT CODE:

NAME OF FACULTY:

Lecture-1



LECTURE 1: Difference between Mitakshara and Dayabhaga

Differences between Mitakshara and Dayabhaga Schools:

The essential differences between Mitakshara and Dayabhaga relate to the following—

(i) Joint Family:

According to the Mitakshara a son, grandson and great-grandson acquire by birth a right in the ancestral property. This doctrine is the basis of the Mitakshara joint family. According to the Dayabhaga the ownership of the son can arise only after the death of the father.

There, is no right by birth. The father has un-controlled power of alienation over the family property under the Dayabhaga. Under the Mitakshara the father's power are qualified by the son's equal right by birth.

(ii) Survivorship:

Brothers who have inherited property from their father have a right of survivorship in the Mitakshara joint family. The Dayabhaga does not recognise any right of survivorship and the brothers hold in quasi-severalty with full power of alienation.

SELF-TEST QUESTIONS

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

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