

The term coparcener has an important role in property inheritance, especially in a Hindu undivided family, often denoted as HUF. The term coparcener refers to 'Joint heir.' For better understanding, you can also search for coparcener meaning in Hindi. It means every member of the HUF has the legal right to share property, money, and title, as mentioned under Hindu Succession Laws. Thus, these people are legal heirs of the property and can demand their share of the estate. Both the daughters and son are joint heirs and share equal liabilities and rights over the property.

You can read the blog below to know more about this topic. Now that you have understood the coparcener meaning, you should better understand its link to HUF.

Coparcener in HUF

As per the Hindu Succession Act, 1956, a person born in HUF, a Hindu undivided family, has the legal right over ancestral property. Thus, Coparcener in HUF is a beneficiary by birth. This can be followed for up to four generations. It means the HUF is a unit where the eldest person and his three generations stay undivided. Thus, all the family members are coparceners and have legal rights over the property.

In a Hindu family, a joint family is common. This joint family starts with a common ancestor. The undivided family contains all members of lineal descent from the same ancestor. It also constitutes unmarried daughters and wives. The most important thing in HUF is that the lineal descendants are from a common ancestor. Daughters, after marriage, are also considered a part of the HUF family now.

Who are coparceners in HUF as per Hindu Law?

All the male members are born in a joint Hindu family.

Great grandsons, grandsons, and sons

All family members from a common ancestor

Unmarried and married daughters

Wives of males in the family.

Right of coparcener in HUF Understanding everything about the rights of coparcener

Coparcener property

The property owned by the ancestors of a Hindu Undivided Family is the coparcener property. The joint heirs or coparceners share it. This is as per the Hindu Succession Act. As per the Act, the Karta or head of the family has the power to run the family, but coparceners share the rights over ancestral property.

Duties and rights of coparceners in Hindu Undivided Family

Share of coparceners - As per the Mitakshara system, the coparcener's share is determined based on survivorship. The share increased in case of death of a person in the family. On the contrary, the share decreases when a member adds to a family. The share is equally defined whenever the partition of property occurs.

Communal interest and possession - The coparceners, also the HUF members, have shared equal rights over the coparcenary property. They do not enjoy individual inheritance rights on the ancestral property.

Right to maintenance - the coparceners are also entitled to get the maintenance of the ancestral property from the estate of the family. This maintenance is for his wife and children or if there is a marriage of their children.

Right to joint possession - The members of the HUF have an equal right to share the coparcenary property and the right to possession of the property.

Right to get partition - All coparceners, whether adult or young, can demand partition of ancestral property. However, they cannot demand a certain share of the property as everyone holds a fixed share.

Right to Alienation - Only the Karta has the right and power to alienate the ancestral property. This is done only for the benefit of the estate or a legal necessity or if a crucial incident needs to be taken care of.

Restricting improper use - If a joint heir misuses the property, the other heirs can restrain him from further use. They can also seek legal rights over the ancestral property.

Right to manage - Though Karta has all the power over the ancestral property, it does not have the right to affect the property share of coparceners.

You Might Also Like

Sarfaesi act law

SARFAESI Act 2002: Objective, Required Documents, Importance and Latest Updates

Published:Oct 11, 2023, 12:00

Land acquisition

Land Acquisition Act 2013: How this Act has Changed the Land Acquisition Process

Published:Oct 04, 2023, 22:00

E-stamping in India

What Is E Stamp and Everything You Need To Know

Published:Jul 10, 2023, 11:00

conveyance-deed

What is a Conveyance Deed & Why Is It Important?

Published:Jun 06, 2023, 10:00

what-is-an-occupancy-certificate-and-why-is-it-necessary

What is an Occupancy Certificate (OC) and Why is it Necessary

Published:May 23, 2023, 12:00

Power of Attorney (PoA): All You Need to Know

Published:Apr 25, 2023, 15:00

transfer of property act

Transfer of Property Act, 1882: Laws of Transfer Movable/Immovable Property

Published:Mar 25, 2023, 19:00

What is Mutation of Property, and Why is it Important?

Published:Jan 10, 2023, 11:00

Can women be coparceners?

A woman was never considered a joint heir. Thus, they did not have any property rights once they got married. However, after the amendment of the Hindu Succession Act of 1956, women have an equal share in ancestral property. They are also coparceners and have equal liabilities and rights as men over the property. They hold equal rights after marriage as well. If she dies, her children are entitled to the benefits.

A woman is a coparcener nowUnderstanding everything about the rights of coparcener

Can a coparcenary property be sold?

A coparcener only has the right to ask for partition. A joint heir cannot sell the property. It is not possible without the consent of all the joint heirs. Only the owner can sell their property share after they inherit it via partition.

Essentials to know about Hindu succession law

The law applies to Sikhism, Buddhism, and Jainism.

You need to understand that all the coparceners are HUF members but not all HUF members are coparceners. So, not every member of the family is a joint heir.

Joint heirs cover both self-acquired and ancestral properties. As far as the self-acquired property is concerned, the owner can manage it via Will.

Partition of ancestral property

The ancestral property partition is included under Mitakshara Law. According to this law, the partition of coparcenary property signifies not only the partition of the property but also the demolition of the joint status of the family. Also, the partition is limited just to the ancestral property. The self-acquired properties are not included in the process. This partition can be demanded by the father, the son, the grandson, the great-grandson, the daughters, and the guardian of a minor.

Modes of partition

Partition by father

Partition by suit

Partition by arbitration

Partition by conversation

Partition by agreement

Partition by special marriage

Partition by conversion to another religion

Partition by notice

Essentials to know about Alienation of coparcenary property

When it comes to Alienation, only the head of the family can do it. But it requires the consent of all joint heirs. This can be done only for legal purposes or any specific necessity or to fulfill unavoidable duties. There are certain essentials that you need to keep in mind regarding the Alienation. Some of them are as follows.

Make sure that the nature of necessity is clear.

It should not be done for illegal use.

The necessary should not cause any alteration in the material condition of the property.

It should not result in any mismanagement of the Karta.

Conclusion to Coparcener in HUF

Coparcenary exists naturally in HUF, and thus, the members need to be aware of their coparcenary rights. Though you will get your share at the time of partition, there might be issues created by the other heirs. In such cases, you can seek legal help as well. To get your share of the property without any issues and prevent any future trouble, knowing about your rights as a coparcener is essential.

How to get a Power of Attorney (POA)?

Inheritance Laws In India - All You Need to Know

Understanding Property and Inheritance Laws for Women in India

Can Dad Refuse Daughters Share from Property Will

Indian Succession Act 1925 - Indian Inheritance Laws |Hindu Succession Act

Power of Attorney (PoA): All You Need to Know

Inheritance Laws in West Bengal for Inherited Land Property

What is Immovable Property? Types and Legal Rights

Transfer of Property Act, 1882: Laws of Transfer Movable/Immovable Property

Frequently asked questions

Who is a coparcener?

A coparcener is often termed a joint heir of the ancestral property in a Hindu Undivided Family.

What is the difference between a coparcener and a member of HUF?

The coparceners are the ones who are the shareholders of the ancestral property, mainly the males of the family and the daughter. Not all the members of the family from a common ancestor are coparceners. Those who are linear descendants from a common ancestor are family members like the wives.

Can daughters be coparcener after marriage?

As per Hindu Succession law, 1956, women had no right over property. However, after the amendment in 2005, women were given equal rights over property even after marriage. They are also coparceners now and have equal rights.

Can a self-acquired property also be a coparcenary property?

A self-acquired property is always the property of the owner. A coparcenary property is the ancestral property and is inherited for three generations. The coparcener does not have any right to the self-acquired property.

Who can demand a partition other than a coparcener?

Only a coparcener can demand the partition of the coparcenary property as they are the legal joint heirs.