KARTA

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MEANING

- Senior most Male member of a joint family is known as the "KARTA"
- The father and in his absence , the senior most male member will be presumed to be Karta.
- Presumption is very strong.
- Junior Member of the coparcenary as Karta?

Nopany Investments (Pvt.) Ltd. v. Santokh Singh

- Female as Karta

Post 1985

Post 2005

POSITION OF KARTA

- Position is *sui generis*
- It is terminable by resignation and relinquishment but is not indefeasible
- Best comparable to a trustee.
- Stands in a fiduciary relationship with the other members of the family.
- Remuneration for services

POWERS OF THE KARTA

- Power to manage Family Affairs
- Right of representation
- Power to receive and spend the family income
- Power of alienation
- Liability to account
- Power to settle family disputes

ALIENATION OF JFP

- Apatkale (Legal Necessity)
- Kutumbarthe (Benefit of estate)
- Dharmarthe (Religious and indispensable duties)

Dev Kishan v Ram Kishan , 2002

Balmukund v. Kamlavati, 1964

OTHER ALIENATIONS

- Gift of Love and affection
- Gift of JFP to Daughter
- Alienation of JFP by Father/Karta in favour of Daughter

POWERS OF ALIENATION

- Fathers power
- Coparceners Power
- Challenge to an unauthorized Alienation