



FAMILY LAW

# Does a Daughter's Marriage Expense Justify Alienation of Joint Family Property?

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## Introduction

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The Supreme Court of India in *Dastagirshab v. Sharanappa @ Shivasharanappa Police Patil (D) by LRs. & Ors.*<sup>[1]</sup> delivered a significant ruling on the powers of a Karta to alienate joint family property under Hindu law. The judgment reaffirms settled principles relating to legal necessity, the evidentiary burden on purchasers, and the binding nature of such transactions on coparceners.

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## Factual Background

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The dispute concerned land measuring 9 acres and 1 gunta in Bablad Village, Gulbarga, Karnataka, forming part of a Hindu Undivided Family (HUF). The Karta, Sharanappa, executed a sale deed on 26<sup>th</sup> July 1995 in favour of the appellant–purchaser. One of his sons, a coparcener, challenged the sale, alleging that his father was addicted to alcohol and extravagant habits and had alienated family property without consideration or legal necessity. He sought to declare the transaction void and claimed partition and separate possession of his share.

The purchaser defended the sale as one made for **legal necessity**, pointing out that it was intended to meet the marriage expenses of the Karta's daughter, Kashibai. He produced receipts signed by family members, including the daughter, her mother, and two coparceners, to establish that the consideration had in fact been paid. Mutation and revenue records were also relied on to demonstrate that possession and title had passed to him.

## Procedural History

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- **Trial Court (2007):** Dismissed the plaintiff's suit, holding that the sale was executed for legal necessity, i.e., the marriage expenses of the Karta's daughter.
- **High Court of Karnataka:** Reversed the Trial Court's decision, holding that the purchaser had failed to prove legal necessity, since Kashibai's marriage had taken place prior to the transaction. The sale was declared invalid, and partition was decreed.
- **Supreme Court:** Heard the appeal filed by the purchaser and examined whether the sale was indeed for legal necessity and whether the purchaser qualified as a bona fide transferee.

## Issues Before the Supreme Court

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1. Whether the Karta's sale of the HUF property was justified on the ground of legal necessity.
2. Whether the purchaser discharged the burden of proving that the transaction was supported by such necessity and was therefore binding on the coparceners.

## Court's Analysis

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1. **Powers of a Karta:** The Court reiterated that a Karta has wide discretion in managing HUF property, including the power to alienate it for legal necessity or the benefit of the estate. Such alienation, if supported by necessity, binds all coparceners, including minors. Reliance was placed on precedents such as *Sri Narayan Bal v. Sridhar Sutar*<sup>[2]</sup> and *Beereddy Dasaratharami Reddy v. V. Manjunath*<sup>[3]</sup>.
- **Scope of Legal Necessity:** The Court drew from *Mulla's Hindu Law*, noting that marriage expenses of daughters constitute recognized legal necessity. It observed that although Kashibai's marriage had taken place in 1991, families often incur debts

for such ceremonies, and repayment of these debts can justify alienation even years later.

- **Burden of Proof:** While the burden to establish legal necessity lies on the purchaser, the Court held that the appellant had discharged this burden through documentary evidence (money receipts signed by coparceners and family members) and admissions elicited during cross-examination of the plaintiff.
- **Bona Fide Purchaser:** The Court rejected the High Court's conclusion that the appellant was not a bona fide purchaser. It reasoned that the land stood in the Karta's name, receipts were executed by other family members, and mutation and revenue records corroborated the transaction. A purchaser, acting with ordinary prudence, could not have been expected to doubt the Karta's authority in such circumstances.
- **Delay in Challenge:** The Court noted that the plaintiff challenged the transaction only in 2000, five years after execution, despite revenue records and mutation entries in the purchaser's name. This delay cast doubt on his bona fides.
- **Holding:** The Supreme Court allowed the appeal, set aside the High Court's decree, and restored the Trial Court's judgment dismissing the suit. It held that the sale of the suit land was executed for legal necessity and that the purchaser was a bona fide transferee for value.

## Significance

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This ruling is important for several reasons:

- It reinforces the wide discretion of a Karta in dealing with joint family property, while clarifying the evidentiary standards applicable to purchasers.
- It affirms that marriage expenses of daughters, including repayment of debts incurred for such ceremonies, constitute legal necessity under Hindu law.
- It cautions against belated challenges to alienations, especially where contemporaneous documents and revenue records corroborate the purchaser's title.

## Author's View

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The Supreme Court's ruling in *Dastagirsab v. Sharanappa* rightly reinforces the principle that alienations made by a Karta for genuine legal necessity bind the entire family and should not be lightly interfered with. This ensures both the protection of coparcenary rights and the stability of transactions undertaken in good faith.

That said, the recognition of a daughter's marriage expenses as legal necessity highlights how such obligations continue to be judicially acknowledged in India. While this reflects prevailing social realities, it should not be misconstrued as endorsing or imposing a normative obligation on fathers to shoulder heavy financial burdens for their daughters' marriages. The judgment is confined to clarifying the scope of "legal necessity" in Hindu coparcenary law and should not be read as legitimising regressive expectations surrounding marriage expenditure.

For more details, write to us at: [contact@indialaw.in](mailto:contact@indialaw.in)

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[1] Civil Appeal No. 5340 of 2017; 2025 INSC 1120

[2] (1996) 8 SCC 54

[3] (2021) 19 SCC 263

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