

**SUPREME COURT OF INDIA**

**Bench: Justice Sanjiv Khanna and Justice S.V.N. Bhatti**

**Date of Decision: 03-10-2023**

Petition(s) for Special Leave to Appeal (C) No(s). 2147621477/2023

(Arising out of impugned final judgment and order dated 31-07-2023 in WPMD No. 9367/2016 30-08-2023 in REV.APLW(MD) No. 158/2023 passed by the High Court of Judicature at Madras At Madurai)

**N.S. BALAJI**

**Petitioner(s)**

**VERSUS**

**THE PRESIDING OFFICER DEBT RECOVERY**

**TRIBUNAL & ORS.**

**Respondent(s)**

**Section, Acts, Rules, and Article:**

**Section 6 of the Hindu Succession Act, 1956**

**Subject: Property Rights - Hindu Undivided Family (HUF) Property  
– Right of Karta**

**Headnotes:**

*Civil Appeal - Property Rights - Petitioner claims joint family property/Hindu Undivided Family (HUF) property was mortgaged by petitioner's father as a guarantor - Father as Karta of HUF had the right to mortgage HUF property - No legal necessity or betterment of the estate established - Impugned judgment upheld - Special leave petitions dismissed.*

**Referred Cases:**

**Sri Narayan Bal v. Sridhar Sutar (1996) 8 SCC 54**

**ORDER**

In the present case, the petitioner claims that the property in question was a joint family property/Hindu Undivided Family (HUF) property, which was

mortgaged by the petitioner's father as one of the guarantors. The petitioner also states that his father was the *Karta* of the HUF.

The position on the rights of a *Karta vis-à-vis* an HUF property is well settled. This Court in *Sri Narayan Bal v. Sridhar Sutar*<sup>1</sup> has held that the *Karta* has the right to sell/dispose of/alienate an HUF property, even if a minor of the family has undivided interest. The reason is that an HUF is capable of acting through its *Karta* or an adult member of the family in the management of the HUF property.

Thus, the father of the petitioner herein, as the *Karta* of the HUF, was entitled to mortgage the HUF property. The son(s) or other member(s) of the HUF need not be consenting parties to the mortgage. Post alienation, a coparcener may challenge the act of a *Karta*, if the alienation is not for legal necessity or for betterment of the estate, which is not the assertion established in the present case.

In light of the aforesaid, we are not inclined to interfere with the impugned judgment and hence, the special leave petitions are dismissed.

Pending application(s), if any, shall stand disposed of.

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<sup>1</sup> (1996) 8 SCC 54.