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Hindu concept of joint family alien to Muslim law: Why Gujarat HC rejected woman's claim to 'ancestral' property

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What Case Was About

A Muslim woman in Gujarat asked the court for a share in her deceased father's properties in Vadodara (Akota and Tandalja).

She claimed she was entitled to this share even though there was a family settlement (agreement) from 1983 that gave her and her sister a fixed amount instead of property.

What the Gujarat High Court Decided

The Gujarat High Court rejected her claim.

The court said the Muslim woman cannot claim "ancestral property" under Hindlaw concepts, because those concepts apply only in Hindinheritance law, not in Muslim personal law.

Why the Claim Was Rejected

Different Laws for Different Religions

Under Hindlaw, the idea of a joint family and ancestral property exists — where property passes down through generations as one undivided family.

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But under Muslim personal law, the idea of a joint family does not exist. Each person owns property individually, and inheritance is dealt with only after death, based on religious succession rules.

Individual Ownership in Muslim Law

In Muslim law, property ownership is personal, and one family member's acquisition does not automatically benefit all relatives.

Rights to succeed (inherit) arise only when a person dies — there is no automatic ancestral share by birth.

Long Delay and Family Settlement

The woman had waited many years (37 years) before filing her claim.

The court noted she did not challenge the original family settlement from 1983, which had already settled her and her sister's rights for a fixed amount.

Legal Principle Applied

The High Court said that using Hindlaw ideas (like joint family or ancestral property) does not apply when people are governed by Muslim personal law.

The judgment referred to the established principle that Muslim law treats property succession individually, without recognizing joint family or coparcenary rights.

Why This Matters

The case shows that inheritance rights depend on the personal laws of each religion in India.

It highlights how Hindand Muslim inheritance principles differ, especially in property rights and family relations.

It also underscores the importance of challenging old family settlements on time, if a person believes they were unfair.