

MITRA'S CO-OWNERSHIP & PARTITION: (Eighth Edition, 2003).
By M.R. Mallick. Eastern Law House Pp.85+ 553.Price Rs.575/-.

THIS IS a scholarly work undertaken on the topic. It encompasses an in-depth and excellent commentary covering every conceivable aspect of the subject – co-ownership & partition. The law relating to co-ownership and partition is no doubt a very significant branch of law. The revision and updating of the present edition is very much timely, particularly in view of the breaking up of the joint families into nuclear ones.

This latest edition provides deep insight into *Mitakshara* and *Dayabhaga* joint family system and the impact of Hindu Succession Act on it. The book does not only deal with the concept of ownership and co-ownership under Hindu law but also under the Mohammedan law.

Mitra's present book was published for the first time in the year 1959 containing each and every aspect of the joint family system prevalent in our country, covering the Muslim, Christian, Buddhist and Parsee ownership. Quoting the latest judgements of the Supreme Court and various high courts, the celebrated author has very aptly discussed the mutual relationship of coparceners and other co-owners and their relationship with strangers. A detailed treatment has also been given to the liability of joint Hindu families towards their income tax and wealth tax.

The book contains thirteen chapters covering almost every topic pertaining to ownership and co-ownership. It deals with ownership, co-ownership, mutual relations of co-owners and other persons, partible and impartible property, mode and manner of partition and effect of partition. Reference has also been made to the latest judicial pronouncements on each and every topic which comes very handy for the readers in understanding its concept and applicability.

The first chapter extensively deals with the topic "Ownership" which consists of a bundle of rights over some property. The chapter also covers important topics including co-ownership, shebait and mutwallis, partners, forms of co-ownership, joint tenancy, trustees, executors, administrators and legatees etc. The second chapter discusses about "Mitakshara Coparcenary", which deals with all its aspects at great length in a very simple language. Chapter three of the book deals with the "Dayabhaga Coparcenary". Chapter four deals with a very important topic "Mutual Relations" covering every aspect of the mutual relations including agency, trust, or fiduciary relationship, contribution on



discharge of common liability, unfair purchase at a sale, acquisition of property, adverse possession, changing character of property and user and provisions of Hindu Succession Act etc. In chapter five of the book under co-owners and other persons, the author very successfully discusses the joint family. Absolute transferee from a co-owner, undivided family dwelling house, lessee from a co-owner, grant of easement rights by a co-owner, suspension or abatement of rent, etc.

A very significant topic "Partition" has been dealt with in chapter six of the book. The whole chapter reflects the versatility of the author and his in-depth grasp on the subject. In the last chapter of the book, the author very ably discusses every aspect on the effect of partition. The other chapters covered in this book include partible and impartible property, partition by deed, partition by suit, final decree for partition and sale instead of partition.

The very usefulness of the present work is established by the fact that it has run into eighth edition. Justice M.R. Mallick has taken every pain in making *Mitra's Co-ownership and Partition* up-to-date in all respects. The publishers also deserve a bonafide appreciation for bringing out the present work in a very good shape.

It is earnestly hoped that the present work will be welcomed by the legal fraternity including the bench and the bar throughout the country.

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