

PARUL UNIVERSITY
FACULTY OF LAW
B.A. LLB./ B.Com. LL.B./ B.B.A. LL.B. Winter 2018 – 19 Examination

Semester: 5
Subject Code: 17300301
Subject Name: Family Law-I

Date: 22/10/2018
Time: 10.30 am to 1.00 pm
Total Marks: 60

Instructions:

1. All questions are compulsory.
2. Figures to the right indicate full marks.
3. Make suitable assumptions wherever necessary.
4. Start new question on new page.

Q.1 Do as directed.**(15)**

(MCQ, True or False, Definitions, Explain terms) (1 marks each. All Compulsory)

State True or False

1. Marriage between Sapindas will be valid.
2. Marriage between prohibited degree relationships would be void.
3. The Karta is generally a senior most male Hindu in the joint family.
4. The Karta (Manager) has very limited liability.
5. Marriage will be voidable, if the wife is pregnant by person other than her husband at the time of marriage.
6. Marriage will be void, if either of the parties has spouse living at the time of marriage.
7. On judicial separation, marriage is dissolved.

MCQ Type

8. Who amongst the following is not a Hindu within the meaning of section 2 of Hindu Marriage Act, 1955:
[a] Christian [b] Parsi
[c] Jew [d] all the above.
9. When two persons are the descendents of a common ancestor but by different wives, they are said to be related to each other by:
[a] Half blood [b] Full blood
[c] Uterine blood [d] Either [b] or [c].
10. Two persons are said to be related to each other by uterine blood:
[a] when they are descended from a common ancestress by the same husband
[b] when they are descended from a common ancestress but by different husbands
[c] when they are descended from a common ancestor by the same wife
[d] when they are descended from a common ancestor but by different wives.
11. Sec-14 of Hindu Succession Act, 1956 applies to:
[a] Movable Property [b] Immovable property
[c] both [a] and [b] [d] None of the above

12. A Hindu dies leaving behind Father and son's daughter's son. They are
 [a] Class I heirs [b] Class II heirs
 [c] preferential heirs [d] None of the above
13. A Hindu female W dies leaving behind husband H, one son S and two unmarried daughters W1 and W2. How the property of W will be divided?
 [a] in to Four equal parts
 [b] $\frac{1}{2}$ to son and remaining $\frac{1}{2}$ equally in to husband and daughters
 [c] $\frac{1}{2}$ to father and remaining $\frac{1}{2}$ equally in to son and daughters
 [d] $\frac{1}{3}$ to father $\frac{1}{3}$ to son $\frac{1}{3}$ to daughters
14. Which of the following holds true regarding Hindu Succession (Amendment) Act 2005?
 [a] Women can only act as Karta in Hindu Joint family
 [b] Women can become a Karta in Hindu Joint family
 [c] Women can not become a Karta in Hindu Joint family
 [d] None of the above
15. Which one of the following is not condition with regard to the persons who may be adopted, under Hindu Adoptions and Maintenance Act, 1956?
 [a] He or she must be a Hindu.
 [b] He or she must not have already been adopted.
 [c] He or she must consent to adoption.
 [d] He or she must not have completed the age of fifteen years, unless there is custom.

Q.2 A) Write short notes on (Each of three mark) (15)

1. Prohibited degree of relationship
2. Settlement of Spousal property
3. Maintenance under Section 125 of the CrPC.
4. Provisions of Live in relationship in India.
5. Maintenance under Hindu Adoption and Maintenance Act, 1956.

Q.3 A) Write and explain various grounds for divorce under Hindu Marriage Act, 1955. (08)

OR

Explain various provisions of valid adoption under Hindu Adoption and Maintenance Act, 1956. (08)

B) Explain Schools of Hindu Law. (07)

OR

Explain Sources of Hindu Law. (07)

Q.4 A) Practical problem solving

(07)

Lakhan was married to Savitri in 1940. He was a poor man but by sheer hard work made a fortune. He was blessed with 6 children. 2 daughters married off with handsome dowries and 4 sons- Amar, Bimal, Chander and Deepak. Bimal and Chander had no children and Deepak remained a bachelor. Chander was killed in an accident in 1967. In 1968 his widow in the face of staunch opposition adopted a son, Chandan. The only person who supported her was Bimal. Enraged by Bimal's conduct in betraying family, Deepak unilaterally made a gift of his share in the joint family property to Amar's son and daughter-Ajay and Anuja. He also in a Will bequeathed the property he had acquired of his own efforts to Anuja. He died soon after. Meanwhile relations of Bimal and his wife, who also happened to Amar's wife's sister, got strained. Bimal accused her of being worthless and barren. Enraged she left for her parent's house. Her maid stayed back to pack up her things. Bimal promised to marry with maid, bought some sindoor from the market and applied it on her forehead in front of Pooja room. They lived together until Bimal's death a year later in 1970. Their son Badal was born posthumously two months later. Savitri died in 1971. Lakhan also died in same year. Amar being eldest son takes over as the karta. Fearing of the welfare of their sons, the widows of Chander and Bimal file a suit for partition on behalf of their minor sons claiming their shares and the shares of their sons in the joint family property, the undivided interest of their husbands which had not been given to them and also a share in Lakhan's share. They also challenged the gift and will made by Deepak. Amar, his children and Bimal's first wife claim that neither Chandan nor Badal are sons and that widows had no right to make a claim on their behalf either seeking partition or notional partition. They also challenged the marriage between Bimal and maidservant and deny her a share.

Issues:-

1. Whether plaint is maintainable?
2. Whether adoption of Chandan is valid?
3. Whether Badal can be considered a coparcener for claiming share in undivided property?
4. Whether a widow of Bimal and Chandam has a right to claim a share in undivided property?

B) Write short notes on any four(04) of the following (Each of two mark)

(08)

1. Doctrine of *Factum Valet*
2. *KARTA*(Manager) in Joint Hindu Family
3. *STRIDHANA* (Women's Property)
4. Sapinda Relationship
5. Valid Hindu marriage
6. Provision of Family Court