

HONS. 04 / 001 / 23

B.A., LL.B. (Hons.) DEGREE FOURTH SEMESTER EXAMINATION,

MAY 2023

Family Law I

Time: 3 Hours

Maximum Marks: 50

Write notes on any 5 of the following questions (Each question carries 4 marks)

- I. Major differences between Mithakshara and Dayabhaga systems.
- II. Acknowledgement of paternity, under Muslim law.
- III. Define dowry
- IV. Voidable marriage under Hindu law.
- V. Constitutional validity of restitution of conjugal rights.
- VI. Jurisdiction of Family courts
- VII. Maintenance under Section 125 Cr.PC
- VIII. Appointment of guardian by the court, under the Guardians and Wards Act.

Answer any 3 of the following questions (Each question carries 10 marks)

- IX. Mohan marries Veena according to Hindu rites and ceremonies. After marriage Veena was made to work throughout the day and was constantly abused by Mohan and his mother. Unable to bear the torture and more, she left the matrimonial home. Explain the remedies available to Veena under the Hindu Marriage Act and the Protection of Women from Domestic Violence Act.
- X. Vinod and Nancy got their marriage solemnised under the Special Marriage Act. 1 year after the marriage Nancy left the matrimonial home and started to live separately, in a rented apartment. Soon after Nancy left Vinod posted in his Facebook account that she eloped with her lover. As a reply Nancy posted online, denying the allegation and also making serious charges against Vinod for domestic abuse. They also started threatening each other for exposing them further in public. This continued for several months and neither of them took any initiative of reconciliation. Analyse the situation in the light of 'irretrievable breakdown of marriage'. Explain the provisions under the Marriage Laws (Amendment) Bill, 2010 regarding the ground of irretrievable breakdown of marriage.

- XI. Ali, a Sunni Muslim man marries his wife's sister, Fathima. A son, Ziad is born to them out of the wedlock. Distinguish between void and irregular marriages under Sunni law by explaining the situations leading to both. Identify the status of the marriage between Ali and Fathima and also legitimacy of Ziad.
- XII. Vinod is a Hindu man aged 50. He has a wife, Lakshmi and a son, Sunil. Vinod adopted his niece Janaki, aged 28 in accordance with the Hindu Adoption and Maintenance Act. The adoption was challenged before the court by Sunil. Vinod produced evidence to show that they were governed by a family custom which permits adoption of a person irrespective of his/her age. Explain the conditions for a valid adoption under the Hindu law. Discuss the validity of the adoption of Janaki by Vinod.
- XIII. Explain the challenges in legalizing same-sex marriages in India and incorporating the same in personal law dealing with marriage.
