

Name:

Enrolment No:



UNIVERSITY OF PETROLEUM AND ENERGY STUDIES
End Semester Examination, May 2019

Course: Family Law-I
Program: B.A., LL.B (Hons.) Energy Law
Course Code: CLCC 3002

Semester: IV
Time: 03 hrs.
Max. Marks: 100

Instructions:

Section-A

(Attempt all questions. Each questions carry equal marks)
(4x2.5=10Marks)

S. No.	Write short notes:	Marks	CO
Q. 1	Presumption of Legitimacy of Child	2.5	CO1
Q.2	Uniform Civil Code	2.5	CO1
Q.3	Divorce by Mutual Consent	2.5	CO1
Q.4	Surrogacy	2.5	CO1

SECTION B

(Attempt all questions. Each questions carry equal marks)
(4x5=20Marks)

		Marks	
Q.5	How does an adoption effect the right and status of adoptive child vis-à-vis his family of birth and family of adoptive parents? Also, explain the provisions which regulates Inter country adoption.	5	CO2
Q.6	What is Dower and its types? Differentiate between Dower and Dowry. What are the rights of Muslim female on the non-payment of Dower?	5	CO2
Q.7	How can a marriage under Muslim Law be dissolved? What is <i>talaq</i> ? What are its forms? Explain the constitutionality of triple talak.	5	CO2
Q.8	A strong presumption arises in favor of wedlock where the partners have lived together for a long spell as husband and wife. Although the presumption is rebuttable, a heavy burden lies on him who seeks to deprive the relationship of legal origin. Does Indian law recognize the concept of live in relationships? Explain with the help of case laws on the subject.	5	CO3

SECTION-C			
<u>(Attempt all questions. Each questions carry equal marks)</u> (4x5=20Marks)		Marks	
Q.9	‘The subject-matter of matrimonial disputes is very sensitive and confidential.’ Keeping in view the nature of matrimonial disputes, explain the objective, composition and functions of Family Courts under the family Courts Act, 1984. Analyze the role of Family Courts in matrimonial dispute settlement in India.	5	CO3
Q.10	Whether the Muslim women have right to get maintenance after <i>Iddat</i> under uniform law? Explain. Also, discuss the constitutional validity of Muslim Women (Protection of Rights) on Divorce Act, 1986.	5	CO2
Q.11	Mother was living separately for over 20 years and was actually managing the affairs of her minor daughter. However, the father was alive but he was not taking any interest in the affairs of the minor and it was as good as if he was non-existent as far as the minor was concerned. Who are the guardians of a minor under Hindu and Muslim Law? Whether mother could be considered as the Natural Guardian? Explain.	5	CO3
Q.12	Hindu law is one of the most ancient systems of law in “its height of perfection, richness of details and wealth of juristic and philosophical speculation”. Explain the sources of Hindu Law.	5	CO1
SECTION-D			
<u>(Attempt any five questions. Each questions carry equal marks)</u> (5x10=50Marks)		Marks	
Q.13	Meena marries Hari. Prior to the marriage, Meena had undergone tubectomy because of which she was rendered incapable of having children. This fact was concealed from Harish and his family at the time of marriage. Is there any relief available to Harish? If yes, explain under personal laws.	10	CO4
Q.14	The husband filed a petition of divorce on the ground of wife’s adultery about six months after he had obtained a decree of restitution of conjugal rights. While the divorce petition was pending, he filed another petition for divorce under breakdown ground of non-resumption of conjugal rights for one year after the passing of decree of restitution of conjugal rights. As after allegation of adultery and being self-respected woman wife did not prefer to visit husband house. Decide the relief if any under personal laws.	10	CO4
Q.15	In 2009, Anita, an unmarried female found an abandoned child outside a temple. She took the child to the police station and the police requested her to take care of the child	10	CO4

	till they are not able to trace the parents of the child. In 2015, she decides to take this child in adoption. Whether Anita can take child in adoption? Decide under personal and secular law.		
Q.16	The Muslim wife filed an application against her husband claiming maintenance for herself and for her minor daughter under section 125 CrPC. She stated that she was the legally wedded wife and that her minor daughter was born from the wedlock. She added that her husband had already married her elder sister but had thereafter married her with the consent of his first wife. Gradually, the husband had started neglecting her and her daughter who had no means to support herself. She claimed certain amount as maintenance for each of them. Whether a female is entitled to claim maintenance? What is the status of second marriage under personal laws? Explain.	10	CO4
Q.17	A Muslim married a Hindu women after converting her to Islam. After 15 years of married life, she renounced her religion and embraced Christianity. The husband sued her for restitution of conjugal rights. She contended that renunciation of Islam by her operated as a divorce. Will she succeed? Give reasons	10	CO4
Q.18	The wife developed an illicit relationship with a family friend. She also often abused her husband and his mother when they tried to bring her on the right path. The husband tolerated all this and continues to have normal relationship with her. One night when she refused to sleep with him, he turned her out of the matrimonial home. After two years, he filed a petition against her seeking divorce on grounds of cruelty and desertion. Would he succeed? Decide.	10	CO4
Q.19	The wife, an MBA got a job in Delhi; the husband was an artist struggling in Mumbai and living in a rented accommodation. The wife requested him to leave Mumbai and stay with her at her place but he refused to do so. Decide the relief under personal and secular laws.	10	CO4

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Section-A
(Attempt all questions. Each questions carry equal marks)
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S. No.	Write short notes:	Marks	CO
Q 1	Doctrine of Relating Back	2.5	CO1
Q.2	Uniform Civil Code	2.5	CO1
Q.3	Acknowledgement of Paternity	2.5	CO1
Q.4	Same sex marriage	2.5	CO1

SECTION B

(Attempt all questions. Each questions carry equal marks)
(4x5=20Marks)

		Marks	
Q.5	What is Dower and its types? Differentiate between Dower and Dowry. What are the rights of Muslim female on the non-payment of Dower?	5	CO2
Q.6	What is the composition, jurisdiction and function of the Family Court? Explain the role of mediation and conciliation proceedings in matrimonial matters.	5	CO2
Q.7	Name the matrimonial remedies available under the Hindu Marriage Act, 1955. Explain the Constitutional Validity of Restitution of Conjugal Rights with the reference of case laws.	5	CO2
Q.8	What are the grounds of Divorce under Muslim Law? Explain the recent decision on 'Triple Talaq' in India.	5	CO2

SECTION-C

	<u>(Attempt all questions. Each questions carry equal marks)</u> (4x5=20Marks)	20	
Q.9	Who are the guardians of a minor under Hindu and Muslim Law? What are the considerations in the appointment of guardian of minor by court?	5	CO2
Q.10	Whether the Muslim women have right to get maintenance after <i>Iddat</i> under uniform law? Also, discuss the constitutional validity of Muslim Women (Protection of Rights) on Divorce Act, 1986.	5	CO3
Q.11	The narrations of “what the Prophet said, did or tacitly allowed” is called Hadis or Traditions. Elucidate.	5	CO3
Q.12	When the husband had not disclosed the factum of his earlier marriage and had maintained a relationship of husband and wife with another woman for a long period, the second wife being oblivious with the fact of earlier marriage. Explain the concept of live-in relationship with the help of decided case laws.	5	CO3
SECTION-D		Marks	
	<u>(Attempt any five questions. Each questions carry equal marks)</u> (5x10=20Marks)	50	
Q.13	Sagar aged 17 years and Preeti aged 15 years were married, in accordance with provisions of Hindu Marriage Act, 1955, in 2000. In 2007, Sagar married his girlfriend Ruksana and happily lived with her. Preeti prosecuted him for bigamy. Sagar took the defense that he had converted to Islamic faith and has even changed his name to Salim. He pleaded that since second marriage under Muslim law is not bigamous marriage, he could not be prosecuted for offence of bigamy. He also pleaded that since his first marriage with Preeti was solemnized when they were underage as compared to statutory requirement of Sec. 5(iii), due to which their marriage (between Sagar and Preeti) can't be said to be valid. It should be kept in mind that all the other conditions of valid marriage except age requirement were fulfilled at the time of solemnization of first marriage. Decide the validity of first and second marriage with the help of relevant case laws and legal provisions.	10	CO4
Q.14	<i>Aruna</i> was married to <i>Sushil</i> on 28-12-1972. As per <i>Sushil's</i> version a girl child was born to the <i>Aruna</i> on 28-4-1973 and <i>Sushil</i> divorced the <i>Aruna</i> on 25-5-1977. She filed a petition on 14-12-1977 under section 125, Cr.P.C. seeking maintenance for herself and her daughter. <i>Sushil</i> accepted the factum of marriage but pleaded that <i>Aruna</i>	10	CO4

	<p>concealed the fact that Aruna was pregnant at the time of marriage from him. But a five months old pregnancy is such an advanced stage that it cannot be concealed as the pregnancy starts showing by that time. In any case it cannot be concealed from husband. He was also present at the time of delivery of the child and gave his own name as the father of the child for official record. Even thereafter for nearly four years he goes along with the marriage and brings up the child while treating <i>Aruna</i> as his wife. Whether <i>Sushil</i> is liable to provide maintenance? Justify as personal laws.</p>		
Q.15	<p>Roopali gets married to Vivek. Vivek was fond of eating meat and taking liquor, but Roopali who came from a family of teetotalers always opposed his drinking at home and taking of non-vegetarian food. Vivek then found refuge in company of his friends. He would often come back heavily drunk and beat his wife. However, he loved his wife and would apologize to her when he could come in his senses. Roopali files a case against him under Sec. 498A for committing matrimonial cruelty and alleged that he and his family were torturing her for dowry, a charge that she could not substantiate. Vivek now files a petition seeking divorce against her charging her with cruelty. Will he succeed? Decide in light of legal provisions and precedents.</p>	10	CO4
Q.16	<p>Yakub gives divorce to his wife Sakina. Yakub provided maintenance to his wife only during the period of iddat. After the expiry of iddat period, he refuses to pay maintenance to Sakina. Advice Sakina with the help of legal provisions and case laws so that she can get maintenance beyond the period of iddat?</p>	10	CO4
Q.17	<p>Altaf pronounced triple talaq on his wife Shabina in absence of her. Can this triple talaq be effective, if pronounced in absence of wife and not communicated to her? Explain with the help of case laws.</p>	10	CO4
Q.18	<p>A, during his bachelorhood adopts son P. After some time he marries Y. He did not have any son from Y adopts another son R. Whether R is a validly adopted son? Explain under personal and secular law.</p>	10	CO4

Q.19	A robust woman is unfit for conception and child bearing. Can a husband seek annulment on ground of impotency on these facts? Decide under personal laws.	10	CO4
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