


Name: Enrolment No:			
UNIVERSITY OF PETROLEUM AND ENERGY STUDIES End Semester Examination, December 2022			
Course: Family Law I Program: BTech LL.B (H) Course Code: CLCC3002		Semester: V Time: 03 hrs. Max. Marks: 100	
Instructions:			
SECTION A (5Qx2M=10Marks)			
S. No.		Marks	CO
Q 1	Which of the following sections defines Degrees of Prohibited relationship. (a) Section 3 (c), Hindu Marriage Act, 1955 (b) Section 3 (d), Hindu Marriage Act, 1955 (c) Section 3, (f), Hindu Marriage Act, 1955 (d) Section 3, (g), Hindu Marriage Act, 1955	2	CO1
Q 2	Under section 18 of the Hindu Adoption and Maintenance Act, 1956 a subsisting wife as well as a divorced wife is entitled to get maintenance. (a) True (b) False	2	CO1
Q 3	A step child can be given in adoption by the Step Mother under the Hindu Adoption and Maintenance Act, 1956. (a) True (b) False	2	CO1
Q 4	In which of the following cases the constitutional validity of the Muslim Women (Protection of wife On Divorce) Act, 1986 was upheld by the Supreme Court. (1) Lily Thomas v. Union of India (2) Daniel Latifi v. Union of India (3) Mushroor Ahmed v. NCT Delhi (4) Sayara Bano v. Union of India	2	CO1

Q 5	What is the minimum age of marriage for husband and wife under the Hindu Marriage Act 1955?	2	CO1
SECTION B (4Qx5M= 20 Marks)			
Q 6	Write briefly who are entitled to get maintenance under section 125 CrPc.	5	CO2
Q 7	Is the Muslim wife entitled to claim maintenance during <i>Iddat</i> period? Explain briefly.	5	CO2
Q 8	Explain briefly on what grounds Indian Christians are entitled to claim divorce from the court of law.	5	CO2
Q 9	Write a short note on Acknowledgement of Paternity under Muslim Law.	5	CO2
SECTION-C (2Qx10M=20 Marks)			
Q 10	<p>“The introduction of Constitutional Law in family law is as ‘introducing a bull in a China shop’...”</p> <p>Explain the concept of Restitution of Conjugal right in the light of above case law as decided by Justice A.B Rohtagi.</p>	10	CO3
Q 11	<p>“Triple Talaq gives an arbitrary and capricious power to the Muslim husband to pronounce divorce on the Muslim and dissolve the marriage irrevocably without any possibility of reconciliation. This goes against the tenets of Quran and thus the same is not approved in religion and considered as Sin.”</p> <p>In the light of the statement discuss the constitutional validity of Instantaneous Triple Talaq by referring to the judgments of the apex court and high courts.</p>	10	CO3

SECTION-D
(2Qx25M=50 Marks)

Q 12	<p>Aadesh got married to Dipika in 1982. They got a son, Ritesh born out of this marriage in 1984. Ritesh got married in 2001 under Hindu law with Kritika and a son was born to the couple in 2003. In 2005, Ritesh died in a car accident. Aadesh was deeply saddened by the death of Ritesh. Dipika lost her sanity after the death of her son Ritesh and became insane. Now Aadesh wants to adopt a Hindu Son.</p> <p style="text-align: center;">Decide the following:</p> <p>a) Whether Aadesh has the right and the capacity to adopt a Hindu son under the Hindu Adoption and Maintenance Act, 1956. Is there any bar to such adoption. Give proper reasons. (10 Marks)</p> <p>b) Whether the consent of the wife Dipika would be required for the adoption or not? Give proper reasons. (10 Marks)</p> <p>c) What would be your answer if Aadesh wants to adopt a son under the Juvenile Justice (Care and Protection of Children) Act, 2015. Give proper reasons. (05 Marks)</p>	25	CO4
Q 13	<p>Milie aged nearly 21 years married Simon aged nearly 25 years. Simon was a soldier in the armed forces in India, and on one occasion had to proceed with his unit on a special operation. Thereafter he went missing and his whereabouts was not known for nearly 5 years.</p> <p>During this period, Milie was in a state of depression and received support from her family and friends. Gradually she developed affection towards Jack, Simon's friend. Jack too had grown fond of Millie and they decided to get married to which both Milie and Simon's parents agreed.</p>	25	CO4

	Milie has approached you for appropriate advice on her subsisting marriage and possibility of future marriage with Jack.		
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