


Name:			
Enrolment No:			
UPES End Semester Examination, Dec 2024			
Programme Name: B.A.LL.B. (Hons.), BBA, LL.B. (Hons.), B. Com LL.B. (Hons.)		Semester: III	
Course Name: Family Law – I		Time: 03 hrs	
Course Code: CLCC 2010		Max. Marks: 100	
No. of page(s): 04			
Instructions: Answer all the questions.			
SECTION A (5Qx2M=10Marks)			
S. No.	Answer the following questions.	Marks	CO
Q 1	When the persons have descended from a common ancestress but by different husbands, they are related to each other by _____.	2	CO1
Q 2	Restitution of Conjugal Rights aims to: i. Dissolving the marriage ii. Preserving the marriage ii. Both i and ii iv. None of these.	2	CO1
Q 3	The ‘ <i>Mithila Sub-School</i> ’ of Mitakshara Law prevails in _____.	2	CO1
Q 4	State any <i>two</i> various remedies available to a Muslim wife for non-payment of dower.	2	CO1
Q 5	Which case declared the concept of ‘ <i>Triple Talaq</i> ’ unconstitutional?	2	CO1
SECTION B (4Qx5M= 20 Marks)			
S. No.	Answer the following questions.	Marks	CO
Q 6	Explain the concept of ‘ <i>Pendente Lite</i> ’ Maintenance as envisaged under the Hindu Marriage Act, 1955.	5	CO2
Q 7	Differentiate between <i>Talaq-e-Hasan</i> and <i>Talaq-e-Ahsan</i> .	5	CO2
Q 8	Enumerate the guidelines governing Inter Country Adoption in India.	5	CO2
Q 9	Expound the rules governing Legitimacy of a Child under Islamic Law.	5	CO2

SECTION-C (2Qx10M=20 Marks)			
S. No.	Answer the following questions.	Marks	CO
Q 10	“ <i>Judicial Separation and Divorce cannot be used interchangeably.</i> ” Do you agree? Analyze the statement by clearly highlighting the difference between the two.	10	CO3
Q 11	“ <i>Legal Disability under Islamic Law refers to the existence of circumstances under which Muslim Marriage is not permitted.</i> ” In light of this statement critically analyse the bar of Directory Incapacity to Nikah.		CO3
SECTION-D (2Qx25M=50 Marks)			
S. No.	Answer the following questions.	Marks	CO
Q 12	<p>“<i>Adoption is understood as the process by which a person assumes the parenting of another.</i>” In light of the statement, the provisions of The Hindu Adoptions & Maintenance Act, 1956; discuss the validity of the issues given below with the help of relevant judicial decisions and statutory provisions.</p> <p>a) A, a Hindu male adopted S, aged 10 years in 1986. S1, a son was born to his wife in 1987. A cancelled the adoption of S in 1988 and informed him(S) that he is no longer known to be his son. S1 died in 1989. A adopted S2 in 1990. Is adoption of S2 valid?</p> <p>b) H and W (Hindu couple) had a son S. Later on H obtained a divorce against W, on the ground of desertion, but the custody of S was given to W – i) Can H adopt a Son? ii) Can H adopt a daughter? iii) In case H adopts a daughter can W also adopt a daughter.</p> <p>c) R married a Widowed girl Shobha in 1994. Shobha had a son P aged 2 years from her deceased husband. Can R adopt P? Who is having the capacity to give P in adoption?</p>	5x5 = 25	CO4

	<p>d) P was having a love affair with M. A child K was born of the union. Being an illegitimate child, he was abandoned and brought up in an orphanage, Later P married N, and a daughter was born of the wedlock. P wants to adopt K from an orphanage.</p> <p>e) G aged 50 years adopted a child widow aged 14 years.</p>		
Q 13	<p>Ayesha and Imran were married for 7 years and have two children together. After several years of marital discord, Imran and Ayesha separated six months ago. Since the separation, Imran has been living in a different city and refuses to financially support Ayesha. Ayesha had repeatedly made requests through phone calls and WhatsApp texts to Imran to provide her and children with certain allowances claiming that she is incapable of supporting them having no stable income. Ayesha was a homemaker throughout the marriage, and never had the opportunity to be employed formally despite having a formal degree in Economics. Irritated by her repeated requests, Imran pronounced talaq upon her 2 months after separation and agreed to provide her alimony for <i>iddat</i> period. Feeling aggrieved, Ayesha has moved to city civil court, praying for maintenance for herself and her children under Muslim Personal Law.</p> <p>Ayesha has contended in her petition that Imran is suitably employed, has recurring income and still neglecting his responsibilities towards her and the children. She also argues that she is entitled to maintenance as she did not initiate the separation and is financially dependent on Imran due to her lack of employment skills, which were primarily due to her role as a full-time homemaker.</p> <p>Imran has responded by stating that his responsibility for allowance payment as per his personal law ends with the <i>iddat</i> period and he is not bound to make any further payments.</p>	25	CO4

	<p>Based on the abovementioned facts, answer the following with reference to suitable cases:</p> <ol style="list-style-type: none"><li data-bbox="255 403 1157 515">i. Analyse the law applicable in India relating to a Muslim wife's entitlement to maintenance during and after marriage? [10]<li data-bbox="255 515 1157 761">ii. Critically evaluate the apparent conflict of Sharia Law and the constitutional and statutory framework of maintenance law in India. Justify with reasons and judicial decisions whether the petition of Ayesha has merit? [15]		
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