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## UNIVERSITY OF PETROLEUM AND ENERGY STUDIES

End Semester Examination, May, 2018

Program/course: B.Tech.LL.B.- Cyber Law & IPR

Subject: Family Law-II

Code : LLBL 202

No. of page/s: 3

Semester – VI

Max. Marks : 100

Duration : 3 Hrs

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### **Part-A (2.5 Marks Each Question).**

1. Define sole surviving coparcener.
2. Define Hiba-bil-iwaj.
3. Define Legal Necessity with respect to Karta's power of Alienation
4. Define Hindu Undivided Family

### **Part-B (10 Marks Each Question)- Attempt Any Two**

5. Who are coparceners? Discuss the essential features of a Mitakshara coparcenary under Hindu Law?
6. Explain the general rules of Muslim inheritance.
7. Explain & elaborate the concept of changing pattern of family structure.

### **Part-C (10 Marks Each Question)- Attempt Any Two**

8. What is the pre-2005 and post-2005 position with respect to succession-cum-property rights of a daughter of coparcener under Hindu Succession Laws? Explain with the help of relevant legal provisions and case laws.
9. Can a minor coparcener ask for partition of Joint Family Property? If so, under what circumstances? Please elaborate with the help of case laws.

10. A Sunni Muslim, Javed is suffering from cancer and is bedridden. He makes a gift of his entire property in favor of his daughter Salma who was looking after him during his illness. He dies within two months of his making aforesaid gift leaving behind his son Zafer and daughter Salma. After Javed's death, Zafer challenges the validity of the gift and seeks your advice as to what extent the gift is valid and his chance of succeeding to the property. Elaborate the law along with leading case laws on the point.

**Part-D (25 Marks Each)- Attempt Any Two Questions**

11. A Karta of Mitakshara Joint family wants to sell his ancestral house in Dehradun for the sum of Rs. 80 Lakhs to P. He intends to utilize the purchase amount for the following purposes:

- a) For the remarriage of his widow daughter D;
- b) For the remarriage of his son S, after his divorce to his earlier wife;
- c) To meet the legal expenses in connection with the prosecution of his brother B on the charges of murder and dacoity.
- d) The performance of necessary family ceremonies.

Here P is anxious to purchase the property and seeks your advice. Advise P pointing out the nature of his rights and remedies if the transaction is effected. Give your advice with the help of leading case laws.

12. A, a Hindu female was married at the age of 15 years to H, who died of a snake bite three months later. Branded as bad women, the in-laws threw her out. She was taken in by her parents and was given education and support. She qualified the U.P. Judicial Services Examination and serving the nation she died at the age of 58 years. All through this time period, the in-laws never bothered to check on her. She was never invited to any function at the in-law's house. She leaves the property in the nature of a house in Delhi worth Rs. 1 crore and Rs. 70 lakhs in cash. She is survived by her in-laws comprising of her mother-in-law(ML), the younger brother of her late husband (HB) and his two sons, her parents (M and F) and her brother (B). Discuss who would get her property and what would be their shares. Please explain discussing the rule relating to devolution of property of a female dying intestate along with case laws on the point.

13. A Hindu family comprised of two brothers A and B, their wives  $W_1$  and  $W_2$  respectively, two sons and a daughter of A;  $AS_1$ ,  $AS_2$  and AD and two sons of B i.e.  $BS_1$  and  $BS_2$ . AD who was 19 years old eloped with a man of lower caste and the news left the entire family stunned.  $AS_1$  vowed to kill AD to save the family honor and took out the pistol.  $BS_1$  tried to pacify him, but in the scuffle that ensued between them,  $BS_1$  died of a gunshot.  $AS_1$  was booked for the murder of  $BS_1$  and in order to give him the best legal assistance; A sold the entire joint family property without taking the consent of other coparceners. B, however, challenges the validity of the alienation. Whether he would be successful? Discuss elaborating on the powers of Karta to alienate the joint family property with the help of leading case laws.