

Roll No: -----



UNIVERSITY OF PETROLEUM AND ENERGY STUDIES

Common Question Paper

End Semester Examination, December 2017

Program: B.A., LL.B. (Hons.) Labor/Criminal Laws, B.A., LL.B. (Hons.) Energy Laws, B.B.A., LL.B. (Hons.) Banking, Finance & Insurance International Trade & Investment Law, B. COM., LLB. (Hons.) Taxation Laws, B.B.A., LL.B. (Hons.) Corporate Laws

Semester – III

Subject (Course): Family-I

Course Code: LLBL201

No. of page/s: 3

Max. Marks : 100

Duration : 3 Hrs

SECTION-A

(Attempt any four)

(Short Notes)

(4x2.5=10Marks)

1. Presumption of Legitimacy of Child
2. Uniform Civil Code
3. Acknowledgement of Paternity
4. Divorce by Mutual Consent
5. Surrogacy

SECTION- B

(Attempt any two)

(2x10= 20 marks)

1. 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 discuss the guidelines laid down by Supreme Court regarding Inter country adoption.
2. What is Dower and its types? Differentiate between Dower and Dowry. What are the rights of Muslim female on the non-payment of Dower?

3. How can a marriage under Muslim Law be dissolved? What is *talaq*? What are its forms? Explain the constitutionality of triple talak.
4. Does Indian law recognize the concept of live-in relationships? Do the partners of live-in relationships have any kind of mutual rights with reference to family law? Explain with the help of case laws on the subject.

SECTION-C

(Attempt any two)
(2x10= 20 marks)

1. What is the composition, jurisdiction and function of the Family Court? Explain the role of mediation and conciliation proceedings in matrimonial matters.
2. Whether the Muslim women have right to get maintenance after *Iddat* under uniform law? Also, discuss the constitutional validity of Muslim Women (Protection of Rights) on Divorce Act, 1986.
3. 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?
4. 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.

SECTION- D

Attempt any Five
(5x10=marks)

1. Meera marries Harish. Prior to the marriage, Meera 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.
2. Sheela, a medical student, discontinued her studies after marriage but resumed her studies after the birth of a child. Since the atmosphere in her in-laws house was not congenial for studies, she started living separately from her husband. Decide the relief if any available with her husband under personal laws.
3. 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.

4. A couple has a daughter who is disable and mentally not stable. They wish to adopt a female child. Can they adopt? Explain under personal and Secular Law.
5. 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
6. Mother was living separately for over 20 years and was actually managing the affairs of her minor daughter. Though 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 so far as the minor was concerned. Whether mother could be considered as the Natural Guardian? Explain.
7. *Aruna* was married to *Sushil* on 28-12-1972. As per *Sushil's* version a girl child was born to the *Aruna* on 28-4-1973 and *Sushil* divorced the *Aruna* 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. *Sushil* accepted the factum of marriage but pleaded that the *Aruna* 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 *Aruna* as his wife. Whether *Sushil* is liable to provide maintenance? Justify as personal laws.

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SECTION-A

(4x2.5=10Marks)

**(Short notes)
(Attempt any four)**

1. Presumption of Legitimacy of Child
2. Uniform Civil Code
3. Doctrine of Relating Back
4. Divorce by Mutual Consent
5. Surrogacy

SECTION-B

**(Attempt any two)
(2x10= 20 marks)**

1. Whether the Muslim women have right to get maintenance after *Iddat* under uniform law? Also, discuss the constitutional validity of Muslim Women (Protection of Rights) on Divorce Act, 1986.
2. 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?
3. 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.
4. What are the grounds of Divorce under Muslim Law? Explain the recent decision on 'Triple Talaq' in India.

SECTION-C

(Attempt any two)
(2x10= 20 marks)

1. '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. Analyse the role of Family Courts in matrimonial dispute settlement in India.
2. Analyze the law on 'Living Relationship' in India with the help of relevant case laws.
3. 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.
4. What is Dower and its types? Differentiate between Dower and Dowry. What are the rights of Muslim female on the non-payment of Dower?

SECTION- D

Attempt any Five
(5x10=marks)

1. 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.

2. 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.

3. 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. Advise Sakina with the help of legal provisions and case laws so that she can get maintenance beyond the period of iddat?

4. 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.

5. 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.

6. 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.

7. Aruna was married to Sushil on 28-12-1972. As per Sushil's version a girl child was born to the Aruna on 28-4-1973 and Sushil divorced the Aruna 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. Sushil accepted the factum of marriage but pleaded that the Aruna 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 Aruna as his wife. Whether Sushil is liable to provide maintenance? Justify as personal laws.