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19(3-I) FLAW 1;2(N)

2015

FAMILY-I

Paper : 1-2

(New Course)

Full Marks : 80

Time : Three hours

**The figures in the margin indicate
full marks for the questions.**

PART-A

(Compulsory)

(Marks : 10)

1. Fill in the blanks with appropriate answer :

10×1=10

(a) Hindu law, as understood in the ancient times, _____ the command of the political sovereign of a community. [was not / was]

(b) "Shruti" are supposed to be the divine utterance to be found in the four_____. [Vedas / smriti)

Contd.

- (c) 'Sapinda relationship' with reference to any person extends as far as the _____ generation (inclusive) in the line of ascent through the mother. [third / fifth]
- (d) A judicial separation is one which _____ the parties to a marriage to live apart. [permits / does not permit]
- (e) Any marriage between two Hindus solemnized after the commencement of the Hindu Marriage Act, 1955 is _____ if at the date of such marriage either party had a husband or wife living, [void / voidable]
- (f) The Doctrine of Relation Back does not apply to the case of succession to a _____ property. [collateral's / joint Hindu family's]
- (g) A person is deemed to die intestate in respect of property of which he or she _____ made a testamentary disposition which is capable of taking effect. [has / has not]
- (h) One person is said to be 'Agnate' of another if the two are related by blood or adoption wholly through _____. [males / females]

- (i) Prior to the Hindu Succession Act, 1956, a Hindu could not dispose of his coparcenary interest by _____ [will / gift]
- (j) A natural guardian means any of the guardians mentioned in section _____ of the Hindu Minority and Guardianship Act, 1956. [6/9]

PART-B

(Compulsory)

(Marks : 10)

2. Write short answer on : 5×2=10
- (a) Dayabhaga coparcenary
 (b) Power of testamentary guardian
 (c) Pious obligation of sons
 (d) Consent theory of Divorce
 (e) Charitable Endowments

PART-C

(Marks : 60)

- Answer **any five** questions : 12×5
3. What are the sources of Hindu Law ? Is custom a source of Hindu Law ? Discuss essential of a valid custom.

Or

- (a) Discuss the concept of Hindu joint family.
- (b) In a Mitakshara Coparcenary who are the members of the coparcenary? Explain the incidents of coparcenarship.
4. What is 'cruelty' under the Hindu Marriage Act, 1956? Explain the acts or conducts which may amount to cruelty for the purpose of divorce under the above Act with case laws.

Or

Briefly discuss **any two** of the following :

- (a) Judicial Separation & Divorce
- (b) Legitimacy of children of void and voidable marriage
- (c) Maintenance 'pendente lite' and permanent alimony
5. (a) State the provisions for restitution of conjugal rights under the Hindu Marriage Act, 1955.
- (b) What are effects of a decree for conjugal rights passed by a court?

6. (a) Discuss the concepts of adoption. What are the requisites for valid adoption?
- (b) Who are the persons capable of giving in adoption and persons who may be adopted citing statutory provisions under the Hindu Adoptions and Maintenance Act, 1956?

Or

What are the rights of maintenance of a Hindu wife when she lives with her husband and when she lives separately from her husband? Explain the statutory provisions and *at least two* case laws?

7. Discuss the scheme of the Hindu Succession Act, 1956 in the matter of the property of a male Hindu dying intestate.

Or

Discuss the statutory provisions relating to :

- (a) Guardian not to be appointed for minors' undivided interest in joint properties.
- (b) Welfare of minor and Guardian appointed by court