

Total number of printed pages-4

19 (Sem-I) FMLW 1-2

2016

FAMILY LAW-I

Paper : 1-2

(New Course)

Full Marks : 80

Time : Three hours

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

1. Fill in the blanks with appropriate answer :
10×1=10
- (a) The commentaries and Digests cover a period of about one thousand years from _____. (700 A.D to 1700 A.D, 500 A.D to 1500 A.D)
- (b) The Mitakshara School of Hindu law is based on the 'Mitakshara' commentary written by _____. (Vikramaditya, Vijnaneshwar)
- (c) Marriage of a girl below the age of 18 years is _____. (void, voidable)
- (d) Guilt Theory of divorce implies _____. (Both parties to the marriage to be guilty, one guilty party and other party to be innocent)

Contd.

- (e) Section 10 of the Hindu Adoption and Maintenance Act prohibits adoption of _____. (a boy or girl who has not completed the age of one year, a married boy or girl).
- (f) Section _____ of the Hindu Marriage Act deals with maintenance pendente lite during the proceedings between a husband and wife. (25, 24)
- (g) According to Manu the minority of an infant ceases on his _____ years. (16th, 18th)
- (h) The words 'father' and 'mother' under Section 6 of the Hindu Minority and Guardianship Act, 1956 _____ step-father and step-mother. (do not include, include)
- (i) Under Hindu law a donatio mortis causa. (death leed gifts) is _____. (void, valid)
- (j) The order of succession provided by the Hindu Succession Act, 1956 is based on the concept of _____. (blood relationship, love and affection)
2. Write short answer on: 5×2=10
- (a) Distinction between custom and usages.
- (b) Can the first wife bring an injunction to restrain the husband from taking a second wife?

- (c) Ceremonies of adoption.
- (d) Define 'Guardian'.
- (e) Modes of partition.

3. Who is a Karta of a joint family? Discuss briefly his powers, position, duties as well as liabilities. Whether a female can be a Karta? 2+8+2=12

Or

Write exhaustive notes on: 4×3=12

- (a) Ancient sources
- (b) Dayabhaga school
- (c) Origin of Hindu law.

4. "There is a shift from fault theory to irretrievable breakdown of marriage theory for dissolution of marriage" — Discuss. 12

Or

Write explanatory notes on: (any two)

6+6=12

- (a) Forms of marriage
- (b) Dissolution of marriage
- (c) Maintenance 'pendente lite' and permanent alimony.

5. What are the requisites of a valid adoption under the Hindu Adoption and Maintenance Act, 1956? Explain in the light of judicial decisions the effect of adoption of a son by widow on Mitakshara coparcenary. Explain the doctrine of relation back with respect to law of adoption. 6+3+3=12

Or

Write exhaustive notes on : $4 \times 3 = 12$

- (a) Maintenance as an absolute liability.
 - (b) Maintenance of the members of the joint family.
 - (c) Quantum of maintenance.
6. What are different type of guardians recognised under Hindu Law? State the difference between natural guardian and testamentary guardian. Discuss with the help of decided cases under what circumstances a Hindu wife can be a natural guardian. $6+3+3=12$

Or

Write short notes on : **(any three)** $4 \times 3 = 12$

- (a) Rights of Guardians
 - (b) Guardianship by affinity
 - (c) Liabilities of Guardians
 - (d) Removal of Guardians.
7. Explain the law relating to devolution of undivided interest in a Mitakshara coparcenary under the Hindu Succession Act, 1956. State the recent amendment that has been brought about in this regard. $8+4=12$

Or

Define gift. Can a gift be made in favour of an unborn person? What are the difference between gift and will? Can a gift once accepted be revoked? $2+3+4+3=12$