

Total number of printed pages-7

21 (1) FMLW-I

2019

**FAMILY LAW-I**

Paper : 1-4

Full Marks : 80

Time : Three hours

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

1. Fill in the blanks with appropriate answers :

1×10=10

(i) Custom belongs to some particular state is known as \_\_\_\_\_. (local custom/class custom)

(ii) In \_\_\_\_\_ school of Hindu Law, the doctrine of *factum valet* is fully recognised. (Mitakshara/Dayabhaga)

Contd.

- (iii) Section \_\_\_\_\_ of the Hindu Marriage Act, 1955 provides for the remarriage of widow. (15/16)
- (iv) Section \_\_\_\_\_ of the Hindu Marriage Act, 1955 provides for maintenance *pendente lite*. (25/26)
- (v) A son secretly brought forth by the wife is known as \_\_\_\_\_. (Kanina/Gudhaja)
- (vi) Section \_\_\_\_\_ of the Hindu Adoption and Maintenance Act, 1956 provides for the determination of adoptive parent of an adopted child. (12/14)
- (vii) A person who is neither a legal nor a testamentary guardian is known as \_\_\_\_\_ guardian. (*de facto/ad hoc*)
- (viii) Testamentary guardian is appointed by the \_\_\_\_\_ of the minor. (court/parent)
- (ix) A person related by blood or adoption but wholly through male is known as \_\_\_\_\_. (agnate/cognate)

(x) Joint family property in which the male issues acquire an interest by birth is called \_\_\_\_\_ Daya. (Apratibandha/Sapratibandha)

2. Answer the following questions : 2×5=10

- (i) What do you mean by *factum valet*?
- (ii) Give two differences between divorce and judicial separation.
- (iii) What is anticident delete?
- (iv) Mention two differences between coparcenary and joint family.
- (v) What do you mean by Doctrine of Relation Back?

3. Explain about the importance of the following as a source of Hindu Law —

- 3×4=12
- (a) commentaries and digest
- (b) judicial decision

(c) equity, justice and good conscience

(d) custom.

**Or**

What are the main schools and sub-schools of Hindu Law? Mention the main commentaries of these schools. Also point out the main differences between the main schools of Hindu Law. 4+4+4=12

4. Write short notes on the following:

4×3=12

(A) Void and voidable marriage

(B) Restitution of conjugal rights

(C) Maintenance "pendente lite".

**Or**

Discuss exhaustively about the various grounds of divorce available for the Hindu male and female under the Hindu Marriage Act, 1955. 12

5. (A) What are the main changes brought about by the Hindu Adoption and Maintenance Act, 1956? 6

(B) Explain about the rights of a female Hindu to take and give a child in adoption under Hindu Adoption and Maintenance Act, 1956. 6

**Or**

(A) Discuss about the Hindu female's rights to claim maintenance under Hindu Adoption and Maintenance Act, 1956. 6

(B) Who are 'Dependant' of a Hindu deceased under the Hindu Adoption and Maintenance Act, 1956? 6

6. Who are natural and testamentary guardian? Discuss the powers of them and also mention about the law relating to removal of testamentary guardian under the Hindu Minority and Guardianship Act, 1956.

3+6+3=12

Or

(A) What are the main changes brought about by the Hindu Minority and Guardianship Act, 1956? 6

(B) What do you mean by *De facto* Guardian and *Ad hoc* Guardian?

3+3=6

7. Discuss the law relating to the devolution of Hindu male's property after his death under the Hindu Succession Act, 1956.

12

Or

(A) What is Coparcenary? Point out the main differences between Coparcenary and Joint Hindu family. 2+4=6

(B) What is the classification of property under the ancient Hindu Law? Also mention the main differences between them. 4+2=6