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19 (I) FMLW-I 1-2

2021

(Held in 2022)

FAMILY LAW-I

Paper : 1-2

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

(a) The commentaries and digests cover a period of about one thousand years from _____. (700 A.D to 1700 A.D, 500A.D to 1500A.D.)

(b) Section 5(ii) of the Hindu Marriage Act, 1955 provides for _____.
(mental capacity of the parties/sapinda relationship)

(c) Guilt theory of divorce implies _____.
(both parties to the marriage to be guilty, one guilty party and other to be innocent)

Contd.

- (d) Section 8 of the Hindu Marriage Act deals with _____. (*proof of marriage/ restitution of conjugal rights*)
- (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) The word 'after' used in Section 6(a) of the Hindu Minority and Guardianship Act, 1956 mean _____. (*after the time/ in the absence of*)
- (h) Section 7 of the Hindu Adoptions and Maintenance Act, 1956 deals with adoption by _____. (*a male/female*)
- (i) The words 'Father and Mother' under section 6 of the Hindu Minority and Guardianship Act, 1956 _____ step-mother. (*donot include/include*)
- (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 answers on : $5 \times 2 = 10$

- (a) Essentials of valid custom
- (b) Define 'Equity, Justice and Good conscience' as a source of Hindu Law'.
- (c) Doctrine of Relation Back
- (d) Reversioner
- (e) What is Pious obligation ?

3. 'A Hindu Marriage is not a contract'.
To substantiate the above statement, discuss the relevant provisions of the Hindu Marriage Act, 1955. 12

Or

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

- (a) Concept of Hindu Joint Family
- (b) Ancient sources
- (c) Restitution of Conjugal Rights

4. Who are entitled to maintenance under the Hindu Adoption and Maintenance Act, 1956? When the wife is not entitled to separate residence and maintenance? $6 + 6 = 12$

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 with *at least two cases*. 12

5. Who can appoint a testamentary guardian? What are the process of testamentary guardian? Discuss. $4+8=12$

Or

Who is natural guardian? Analyse the powers of natural guardian. Can a minor be a guardian of other minor and his property? $2+6+4=12$

6. What is gift? Can a gift be made in favour of an unborn person? Explain. Also write the differences between gift and will. 12

Or

Explain the law relating to devolution of undivided interest in a Mitakshara coparcenary under, before and after the Hindu Succession (Amendment) Act, 2005. 12

7. What are the requisite of a valid adoption? Who can adopt and who may be adopted under the provisions of the Hindu Adoption and Maintenance Act, 1956? Discuss.

$2+6+4=12$

Or

Define adoption. 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. $3+4+5=12$