

Total number of printed pages-7

21 (1) FMLW 1.4

2022

( Held in 2023 )

**FAMILY LAW**

Paper : 1.4

Full Marks : 80

Time : Three hours

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

1. Choose the correct option :  $1 \times 10 = 10$

(a) 'Hindu' denotes all those persons who profess Hindu religion either by birth or by conversion to Hindu faith.

(True/False)

(b) Hindu law does not apply to convert from Hindu to Mohammedan faith.

(True/False)

Contd.

(c) As per the Hindu Marriage Act, 1955, a marriage is \_\_\_\_\_ if it is made between persons related to each other within the prohibited degrees unless such marriage is sanctioned by custom or usages governing both the parties.

*(void/voidable)*

(d) A Hindu marriage can be dissolved where the other party has not been heard of as being alive for a period of \_\_\_\_\_ years or more by persons who would naturally have heard of him or her had that party been alive.

*(seven/ten)*

(e) Under \_\_\_\_\_ of the Hindu Adoption and Maintenance Act, 1956, any male Hindu who is of sound mind and is not a minor has the capacity to take a son or daughter in adoption.

*(section 7/section 11)*

(f) Under the Hindu Adoption and Maintenance Act, 1956, the wife's right to maintenance may arise if the wife lives with her husband only and not separately. *(True/False)*

(g) According to section 6 (b) of the Hindu Minority and Guardianship Act, 1956, in case of an illegitimate boy or illegitimate unmarried girl, the \_\_\_\_\_ should be the natural guardian first.

*(father/mother)*

(h) According to section 11 of the Hindu Minority and Guardianship Act, 1956, no person shall be entitled to dispose of the property of a Hindu minor merely on the ground of his or her being the \_\_\_\_\_ guardian of the minor.

*(de facto/testamentary)*

(i) Ancestral property means property inherited from father, grandfather and great-grandfather. *(True/False)*

(j) Under the Hindu Succession (Amendment Act, 2005, daughters \_\_\_\_\_ be coparceners. (can/cannot)

2. Write briefly on :  $2 \times 5 = 10$

- (a) Karta
- (b) Maintenance pendente lite
- (c) Concept of adoption and maintenance
- (d) Guardian
- (e) Intestate succession

3. "According to Hindu orthodox view there was an inseparable relationship between Law and Dharma. The sources of Dharma and Law were common. Manu accordingly described four sources of Dharma which are the sources of Law also." Discuss the various sources of Hindu Law taking help of the above statement. 12

**Or**

"Schools of Hindu Law emerged with the emergence of commentaries and digests. The commentator put his own glass on the ancient texts, and his authority having been received in one and rejected in another part of India." Discuss the Schools of Hindu Law pointing out the differences between them.

4. What do you mean by judicial separation ? What are the grounds on which a decree of judicial separation can be obtained by petition of husband or wife ? Discuss with case laws.  $2 + 10 = 12$

**Or**

Discuss void and voidable marriages. What is the effect of void marriages ? Differentiate between void and voidable marriages. 12



5. Discuss the persons who may be adopted under the Hindu Adoption and Maintenance Act, 1956. Discuss the capacity of a male and a female Hindu of taking a son or daughter in adoption with case laws. What are the requisites of a valid adoption under sections 6 and 11 of the Act of 1956 ?

4+6+2=12

**Or**

Discuss in detail the provisions under the Hindu Adoption and Maintenance Act, 1956 which states the liability of a Hindu male to maintain his wife. Discuss how the amount of maintenance is determined under the Act of 1956.

6+6=12

6. Discuss in detail who can be a natural guardian of a minor and of an adopted son. Discuss the powers of natural guardian under the Hindu Minority and Guardianship Act, 1956.

12

**Or**

Who is a testamentary guardian ? Discuss the powers of a testamentary guardian.

7. Write short notes on :

4×3=12

- (a) Stridhana
- (b) Coparcenary property
- (c) Karta's right to alienate joint family property

**Or**

State the rules of succession to property of a female Hindu dying intestate under the Hindu Succession Act, 1956.

12