

**GUJARAT NATIONAL LAW UNIVERSITY
GANDHINAGAR**

Course: Family Law-I
Semester-V (Batch: 2014-19)

Mid Semester Test: August-2016

Date: 6th August, 2016

Duration: 2 hours

Max. Marks: 30

Instructions:

- Read the questions properly and write the answers in the given answer book.
- The respective marks for each question are indicated in-line.
- Do not write any thing on the question paper.
- Indicate correct question numbers in front of the answers.
- No questions or clarifications can be sought during the exam period, answer as it is, giving reason, if any.
- **Bare Act is not allowed.**

Answer all questions	Marks
<p>Q.1 Rukshar and Rijwan solemnised their marriage in accordance with Sunni law. Rijwan met with an accident and suffered with grievous hurt which led him incapable in fulfilling matrimonial obligations pertaining to his marriage. Rijwan sought an advice on this and subsequently on his request a <i>Fatwa</i> was issued, wherein Rukshar was directed to accept her father in law as her husband and marriage between Rijwan and Rukshar was declared as dissolved. Through the same <i>Fatwa</i> a decree for perpetual injunction, restraining husband and wife in living together was also issued. Rukshar and Rijwan together rejected the <i>Fatwa</i>, for which they were boycotted by their community and another <i>Fatwa</i> was issued against husband and wife wherein punishment was prescribed for non-fulfilment of the terms of <i>Fatwa</i>. As an advocate advise Rijwan and Rukshar for the remedies available with them.</p>	(07)
<p>Q.2 The marriage between Sunita and Brajesh was solemnised in 1980 and the same was registered within a week by the Registrar of Marriages under the Hindu Marriage Act, 1955. Sunita refused to perform marital obligations without citing any reason. Aggrieved husband filed a petition for restitution of conjugal right under the Hindu Marriage Act, 1955. Sunita contested the petition on the ground that Brajesh was already married with Radhika at the time of her marriage, hence her marriage with Brajesh was not a valid marriage and she is not the wife of Brajesh. Sunita also filed another petition for the decree of annulment and informed the court that she is intending to solemnise her marriage with Kishan within a month. During the pendency of both petitions Brajesh filed an application under Order 39, Rules 1 and 2 read with Section 151 C.P.C. that Sunita should be restrained to enter into marriage with Kishan by an injunction during the pendency of the abovementioned petitions which was granted by the court of Judicial Magistrate and confirmed by the High Court. Aggrieved with the decision Sunita decided to appeal in Supreme Court. As an Advocate advise Sunita for the remedies available to her in accordance with the provisions of the Hindu Marriage Act, 1955.</p>	(08)

- Q.3 Rajesh and Manjot entered into marriage in the age of 20 and 15 years respectively by following the rituals and ceremonies of the Hindu Marriage. At the time of marriage Rajesh and Manjot were professing Hinduism and Sikhism respectively. Seema on attaining the age of 17 years refused to perform marital obligations and started living with her father. Seema through her father also informed Rajesh that she intends to dissolve her marriage with Rajesh. This was also discovered that the consent of Manjot's father, for this marriage was obtained by fraud and force. As an Advocate discuss the validity and consequences of this marriage under the Hindu Marriage Act, 1955 and the Prohibition of Child Marriage Act, 2006. (06)
- Q.4 Differentiate between Mitakshara and Dayabhag Joint Hindu family with specific reference of Joint Property. (04)
- Or
- "The grounds of divorce under the Hindu Marriage Act, 1955 were simplified by the Marriage Laws (Amendment) Act, 1976". Discuss the statement with suitable examples.*
- Q.5 Discuss the main features of the Hindu Code Bill as reviewed and recommended by Dr B R Ambedkar Committee in 1948. (05)
