

Mid Semester Test: August 2017

Family Law I

**GUJARAT NATIONAL LAW UNIVERSITY**  
**GANDHINAGAR**  
 Course: Family Law I  
 Semester-V (Batch: 2015-2020)

Mid Semester Test: August- 2017

Date: 18<sup>th</sup> August, 2017

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 not allowed.

**Part A****Marks****Answer all Questions**

- Q.1 Sizy (a Roman Catholic Christian) married with Rajendra (a Hindu) in 1999 in a temple by following *saptapadi* and exchange of garlands. During the solemnisation of marriage there was no relative from either side. Subsequently, the marriage was registered under Section 8 of the Hindu Marriage Act, 1955 and appropriate certificate of registration was issued by the Registrar of Marriages. Sizy, during the solemnisation of the marriage voluntarily participated in all rituals of the marriage. In 2001, Sizy and Rajendra blessed with a son and the *namkaraan sanskar* was performed according to Hindu religion. Sizy and Rajendra both agreed to give a Hindu name to their Son. After marriage, Sizy occasionally visited the Church and sometimes offered prayers according to Christianity however, also celebrated all Hindu festivals. In 2003, the dispute between Sizy and Rajendra occurred when Rajendra tried to restrict her from visiting the Church. Differences reached to the extent that Rajendra asked her to leave the matrimonial home. Aggrieved with the decision of Rajendra, Sizy approached the family court for restitution of conjugal right under section 9 of the Hindu Marriage Act, 1955. In the reply to the petition Rajendra challenged the validity of the marriage on the ground that Sizy was Christian before marriage and there was no conversion before and after the marriage. In view of given facts, Advise both the parties for possible remedies according to the provisions of the Hindu Marriage Act, 1955. (08)
- Q.2 “Marriage is a union of two souls. Under different communities the institution of marriage is existing and is performed in different ways. Though, in contemporary times, many relations are subsisting in the society that includes living together without tying the knot of marriage. As there is a significant rise in divorce cases, it may be concluded that youth of present time is losing belief in the institution of marriage. Moreover, a large section of people in present time prefers a simple marriage that is only by registering it, that is to attain the status of husband and wife in the eyes of law.....” In light of given (07)

*society that includes living together without using the knot of marriage. As there is a significant rise in divorce cases, it may be concluded that youth of present time is losing belief in the institution of marriage. Moreover, a large section of people in present time prefers a simple marriage that is only by registering it, that is to attain the status of husband and wife in the eyes of law.....” In light of given statement analyse the nature of Hindu marriage and effect of codification on the nature of Hindu marriage.*

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Q.3 What are the essentials for Hindu Marriage? (03)

**Part B**

**Answer any two Questions**

- Q.4 Surendra agreed to solemnise the marriage of his daughter (17 years old) with the son (19 years old) of his friend Girija Prasad. SMILE, a renowned state level social NGO tried to restraint the parents from proposed child marriage, however the parents did not agreed to consider the advice of NGO. On the information of SMILE, the Child Marriage Prohibition Officer of respective area issued an injunction order under the authority as vested in him through the Prohibition of Child Marriage Act, 2006 and warned both the parents for penal provisions consequences of child marriage. However, both the parents ignored the advice and injunction order of the Child Marriage Prohibition Officer and solemnised the marriage of their wards. In view of given facts discuss the validity and consequences of this marriage in accordance with the provisions of the Prohibition of Child Marriage Act, 2006. (06)
- Q.5 Marriage between Harish and Sarita was solemnised on 29 July, 1990 and the same was registered on 3 August 1990 by the Registrar of marriages under the provisions of the Hindu Marriage Act, 1955. However, Sarita refused to perform marital obligations and stated that her marriage with Harish is not valid as Harish was already married with another woman. Sarita also state that this information was not revealed by Harish before marriage and his earlier marriage is there in subsistence. Sarita also approached the family court for decree of annulment under section 11 of the Hindu Marriage Act, 1955. During the pendency of annulment petition she solemnised her marriage with Kishan on 3 October 1990. In view of given facts analyse the validity of marriage between Sarita and Kishan solemnised during the pendency of annulment petition and advise Harish appropriately according to the provisions of the Hindu Marriage Act, 1955. (06)
- Q.6 Discuss the salient features and importance of the Hindu Code Bill prepared by Hindu Law Committee headed by B. N. Rau. (06)

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