

**GUJARAT NATIONAL LAW UNIVERSITY**  
**GANDHINAGAR**  
 Course: Family Law II  
 Semester- VI (Batch: 2018-23)

End Semester Online Examination: July-August 2021

Date: 24<sup>th</sup> July, 2021

Duration: 8 hours

Max. Marks: 50

**Instructions:**

- The respective marks for each question are indicated in-line.
- Indicate correct question numbers in front of the answer.
- No questions or clarification can be sought during the exam period, answer as it is, giving reason, if any.
- Word Limit: 10 Marks: 800-900 Words, 8 Marks: 600-700 Words, 4 Marks: 400-500 Words.

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|--|-----------------|
| <p>Q.1 'F' a Hindu male got married to 'R' in 1950 and 'R1' in 1954. 'F' had two sons 'S1', 'S2' and one daughter 'D1' from his first wife 'R'; and two sons 'S3' and 'S4' and one daughter 'D2' from his second wife 'R1'. 'S1' was married to 'S1W' and got one son 'S1S' and one daughter 'S1D'. 'S2' was married to 'S2W' and got two sons 'S2S1' and 'S2S2' and two daughters 'S2D1' and 'S2D2'. 'S3' converted to Islam and was subsequently married to 'S3W' and got one son 'S3S' and one daughter 'S3D'. 'S4' converted to Christianity and was subsequently married to 'S4W' (a Cristian) and got one son 'S4S' and one daughter 'S4D'. 'D1' was married to 'D1H' and got one son 'D1S' and one daughter 'D1D'. 'D2' was married to 'D2H' and got one daughter 'D2D'.</p> <p>'S1S' was married to 'S1SW' and got one daughter 'S1SD'. 'S1D' was married to 'S1DH' and got one son 'S1DS' and one daughter 'S1DD'. 'S2S1' was married to 'S2S1W' and got one son 'S2S1S' and one daughter 'S2S1D'. 'D1S' was married to 'D1SW' and got one son 'D1SS' and one daughter 'D1SD'. 'D1D' was married to 'D1DH' and got one son 'D1DS' and one daughter 'D1DD'.</p> <p>'S1', 'D1', 'S4', 'S4W', 'S1D', 'S2S1', 'D1S' and 'D1D' are pre-deceased to 'F'. 'F' and 'S2' were going to attend a marriage ceremony of their relative but unfortunately met with an accident and died simultaneously leaving behind 'R', 'R1', 'S3', 'D2', 'S1W', 'S1S', 'S1SW', 'S2W', 'S2S2', 'S2D1', 'S2D2', 'S3W', 'S3S', 'S3D', 'S4S', 'S4D', 'D1H', 'D2H', 'D2D', 'S1SD', 'S1DH', 'S1DS', 'S1DD', 'S2S1W', 'S2S1S', 'S2S1D', 'D1SW', 'D1SS', 'D1SD', 'D1DH', 'D1DS' and 'D1DD'.</p> <p>a) Devolve and determine the share of heirs in the self-acquired property of 'F' citing relevant provisions of the Hindu Succession Act, 1956.</p> <p>b) Devolve and determine the share of heirs in the self-acquired property of 'S2' citing relevant provisions of the Hindu Succession Act, 1956.</p> | <p>(8+4=12)</p> |
| <p>Q.2 Ramadevi, a Hindu female, solemnized her marriage with Pethabhai in 1986. In 1987, Pethabhai died in a road accident intestate leaving behind Rs. 90,000/- and 3 Acre of Land (both self-acquired property); his widow Ramadevi; his two brothers Jethabhai and Chimanbhai; and one sister Shanti. In 1988, Ramadevi solemnized her second marriage with Mungerilal who subsequently died intestate due to sudden cardiac arrest in 1989 leaving behind Rs. 1, 00,000/- (self-acquired property); his widow Ramadevi; and one</p>   | <p>(10)</p>     |

son Babaji from his predeceased first wife. Ramadevi received Rs. 3, 00,000/- as a legal heir from her deceased mother Shantabai. Ramadevi died in 2007 leaving behind Jethabhai; Chimanbhai; Shanti; Babaji; her father's brother and sister: Hrikishor and Radha; and her mother's brother and sister: Shantiswarup and Jasuda.

Divide the property of Ramadevi citing relevant provisions of the Hindu Succession Act, 1956.

- Q.3 *"The Joint Hindu Family as an institution is peculiar to Hindu Jurisprudence. Though it originated in the propagation of the theory of conferring upon the father nearly absolute authority, however, by efflux of time, the system was considerably whittled down so as to confer equal rights on the sons by birth. The induction of coparceners by birth into the family considerably reduced the absolute power of the father. A Joint Hindu Family consists of all persons lineally descended from a common ancestor, and includes their wives and unmarried daughters. The joint and undivided family is the normal condition of the Hindu society. An undivided Hindu Family is ordinarily joint not only in estate, but also in food and worship. The existence of joint estate is not an essential requisite to constitute a joint family, and a family which does not own any property, may nevertheless be joint. On the other hand a Hindu coparcenary is a much narrower body than the joint family. It includes only those limited persons who acquire an interest in the joint or coparcenary property."* (10)

In light of the above statement elucidate the conception of a coparcenary under Hindu Law. Differentiate between the conception of coparcenary and coparcenary property according to *Mitakshara* law and *Dayabhaga* Law with suitable examples.

- Q.4 A person is free to give his property to another person during his lifetime. This right to dispose of his property at his pleasure is universally recognized. Under Muslim law also, a person is free to make a gift. Elucidate the concept of gift, discuss the essential condition for a valid gift and explain the various kinds of gifts under Muslim law. (10)
- Q.5 Differentiate between the *Sunni* and *Shia* schools with respect to *Will* under Muslim Law. (08)

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