

**GUJARAT NATIONAL LAW UNIVERSITY
GANDHINAGAR**
Course: Family Law-I
Semester-V (Batch: 2013-18)

End Semester Examination: Oct-Nov. 2015

Date: 16th October, 2015

Duration: 3 hours

Max. Marks: 50

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 or not allowed.**

Answer all questions	Marks
<p>Q.1 In 1965, Vineeta solemnised her marriage with Suresh in Ludhiana. Due to the dispute over dowry, Vineeta never went to her matrimonial home along with Suresh. She had filed a petition for annulment of her marriage in family court but it was not proceeded and no decree of annulment was passed. Vineeta with consent of Suresh and in accordance with the prevalent custom in her community executed a written document of dissolution of marriage and it was later got registered by paying the requisite fees. In 1968, Vineeta solemnised her second marriage with Rajendra and had two daughters. Vineeta in 1972 alleged that Rajendra started ill-treating her due to non-fulfilment of his demand for dowry by her father and she was driven out of the house. The parents and relatives of Vineeta tried to resolve the dispute between them but could not resolve. She, thereafter filed a petition in the family court, Ludhiana for grant of a decree of restitution of conjugal rights. The husband filed a counter-petition seeking declaration of his marriage with Vineeta, as nullity on the ground that on the date of marriage her marriage with the previous husband, had not been appropriately dissolved. Hence, his marriage with Vineeta is not valid and the decree of restitution of conjugal right cannot be issued. In the light of the facts mentioned above, advise both Rajendra and Vineeta for the possible remedies in accordance with the provisions of the Hindu Marriage Act, 1955.</p>	(10)
<p>Q.2 Ramesh and Usha got married in accordance with the Hindu rites and customs on 1-7-1984 in Palanpur. Their marriage was registered before the Sub-Registrar, Palanpur on 7-9-1984. After the marriage Usha was taken by Ramesh to his village Kashipur and there Usha came to know that Ramesh was already married to Seema, who begot two daughters through him. Seema was residing in the house of Ramesh in the village. Usha contended that during the negotiations for her marriage, Ramesh or any of his relative did not inform her or her parents that he was already married and she was made to believe as if it was the first marriage of Ramesh. Usha stated that she reconciled herself on the advice of the elders and lived with him discharging her conjugal responsibilities for some time. After 1985, the differences arose between Usha and Ramesh and on the instigation of Seema, Ramesh began to ill-treat, neglect and beat her on many occasions. Ramesh drove her out of the house on 15-02-1986 after snatching away gold jewellery worth Rs. 1,50,000/- which was presented to her at the time of her marriage by her father. Usha pleaded that she would</p>	(10)

not have agreed to marry Ramesh if he had divulged the fact that he was a married man having his first wife living. Aggrieved by the cruelty of Ramesh and considering the apprehension of danger to her life, Usha filed a petition for maintenance and separate residence under section 18 of the Hindu Adoption and Maintenance Act, 1956. Simultaneously Usha also requested the court to grant maintenance *pendente lite* under section 24 of the Hindu Marriage Act, 1955. On the basis of the given fact advise Seema for the possible outcomes of both petitions.

Q.3 Discuss various grounds for divorce under the Hindu Marriage Act 1955. What are the changes brought out by the Marriage Laws (Amendment) Act, 1976 in the provisions of divorce under the Hindu Marriage Act, 1955? (10)

Q.4 Explain the absolute and relative prohibitions for marriage under Shia and Sunni law. Discuss the validity of marriage solemnised by Sunni Muslims, ignoring relative prohibitions. (10)

Or

Discuss in detail various grounds for divorce under the Dissolution of Muslim Marriage Act, 1939. What is the extent of applicability of the provisions of the Dissolution of Muslim marriage Act, 1939 on the wives converted to Islam?

Q.5 Attempt **any two** of the following: (2x5 =10)

(a) What are the essentials of marriage under the Special Marriage Act 1954? What is the effect of marriage of a Hindu male under Special Marriage Act, 1954, on his membership of joint Hindu family?

(b) What are the essential conditions for adoption as per section 11 of the Hindu Adoption and Maintenance Act, 1956?

(c) Write short note on **any two** of the following:

(i) Iddat

(ii) Essentials of Muta Marriage

(iii) Powers of the *defacto* guardians
