

**GUJARAT NATIONAL LAW UNIVERSITY**  
**GANDHINAGAR**  
Course: **Family Law II**  
**Semester-VI (Batch: 2017-22)**

**End Semester Online Examination: February 2021**

**Date: 01<sup>st</sup> February, 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.
- Approx. Word Limit: 12 Marks-1000 words, 10 Marks-850 words, 8 Marks- 700 words.

- |  | <b>Marks</b><br>(12) |
|--|----------------------|
| <p>Q.1 Narain Dutt, a Hindu by religion married Suneeta, a Hindu girl, as per Hindu rites, in 1953, before the commencement of the Hindu Marriage Act, 1955. The age of Narain Dutt and Suneeta was 12 and 10 years respectively at the time of marriage. By the year 1970, they had three sons (S1, S2, and S3) and one daughter (D1). S1 married S1W as per the Hindu rites. S2 married a Christian girl in accordance with the Special Marriage Act, 1954. S3 remained unmarried throughout his life and converted to Islam and followed the Islamic religious order in his day to day life. The daughter D1 got married to D1H against the wishes of her parents and maintained distance with her family due to family discord after her marriage. Further, D1 never visited her parental home after her marriage.</p> <p>Narain Dutt was serving in the postal department as a Clerk. From his own earning, Narain Dutt acquired considerable properties in various forms. However, due to family circumstances and disobedience by children, Narain Dutt decided to donate his half of the entire property to a charitable trust working for the welfare of children and women, through a will. Further, through his family Advocate, he made a will and followed the due process in this regard.</p> <p>Upon the death of Narain Dutt, his entire property which included 5 acres of land, Rupees 50000 cash, 1 lakh cash received from insurance policy and 4 lakh from death cum gratuity was required to be distributed among his eligible legal heirs. However, before the family members could distribute the property of Narain Dutt, it was revealed and discovered that Narain Dutt had another wife Janki whom he married in 1965. From this second marriage he had one daughter Rajni. On the receipt of the information about the death of Narain Dutt, Janki and her daughter Rajni claimed the share in the property of Narain Dutt. However, the claim of Janki and Rajni was opposed by other eligible family members owing to the nature of this second marriage.</p> <p>In light of the above factual matrix, distribute the property of Narain Dutt among his eligible legal heirs in accordance with the provisions of the Hindu Succession Act, 1956.</p> |                      |

- Q.2 “The validity of waqf does not depend upon the nature of the property dedicated, but on the probability or presumption of permanent benefit being derived from it by any mode of dealing of which it is capable, or by converting into something else. It is only where the object is absolutely unfit for being turned into profitable use that is dedicated falls to the ground”. In light of this statement, discuss the nature, legal incidents and significance of waqf under Muslim Law. Whether a waqf can be created by a non-Muslim? Substantiate your answer with the help of leading case laws. (10)
- Q.3 “Even when the declaration and acceptance are not expressed in words, so long as the intention is evidenced by conduct, it would be sufficient”. In light of this statement, discuss the fundamental conditions of a valid gift under Muslim Law. Whether oral and unregistered gift is valid under Muslim Law? Substantiate your answer with the help of leading case laws and legal reasoning. (10)
- Q.4 “A will (wasiyat) may be made in any manner showing a clear intention to make it (whether such intention is expressed orally or in writing, or where there is inability to do so, then by signs) and shall take effect on acceptance, expressly or impliedly, by the legatee after the testator’s death”. Discuss the above statement and also explicate the points of difference between Shia and Sunni schools with regard to the concept of will under Muslim Law. Substantiate your answer with the help of leading case laws and suitable examples. (10)
- Q.5 Amrapali died intestate leaving her surviving husband Hashmukh; her two sons Santram and Hanshram; Sriprakash, the son of Sitaram a predeceased son; Jasuda the widow of Radheshyam another predeceased son; Durga and Devi two daughters; Sarla the daughter of Sarita a predeceased daughter, and Bhushan, Amprali’s brother. In view of the given family matrix, distribute the property of Amrapali as per the applicable provisions of the Hindu Succession Act, 1956. Substantiate your answer with the help of legal reasoning and suitable examples. (8)

\*\*\*\*