

**GUJARAT NATIONAL LAW UNIVERSITY  
GANDHINAGAR**

Course: **Family Law II**

**Semester- VI (Batch: 2020-25)**

**End Semester Examination: May 2023**

**Date: 01<sup>st</sup> May, 2023**

**Duration: 3 hours**

**Max. Marks: 50**

**Instructions:**

- Read the questions properly and write the answers in the given answer book.
- Do not write anything on the question paper.
- 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.

- |  | <b>Marks</b> |
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| <p>Q.1 Discuss the disqualifications 'to inherit' under the Muslim Law. Can 'spes successionis' be transferred under the Muslim law of inheritance? Substantiate your answer with suitable decisions of the court.</p>   | (10)         |
| <b>OR</b>  |              |
| <p>Discuss the evolution of property rights of 'Hindu women' in India with special reference to the provisions of Hindu Women's Right to Property Act 1937, the Hindu Succession Act 1956 and the Amendment Act 2005. Substantiate your answer with appropriate decisions of the court.</p>  |              |
| <p>Q.2 Answer the following.</p> <p>a) Explain the Doctrine of Radd. Discuss the application of Doctrine of Radd in the inheritance when a Muslim female [M] dies and is survived by her husband [H], son [S] and son of a predeceased daughter [DS].</p> <p>b) Explain the law relating to 'Wills or Testamentary' disposition under Muslim Law. What is the validity of Will in case of the suicide of the legator and if legatee predeceased the legator?</p>   | (5x2=10)     |
| <p>Q.3 Roopkishor married Jasuda in 1985 as per Hindu Marriage Act, 1955. Jasuda started working in a Bank as a Manager after her marriage. Shakuntala, the mother of Jasuda died in 1986 leaving behind her self-acquired property of INR 2,00,000/- and left surviving her Dushyant (her husband), Indresh (her father), Jasuda (her daughter) and her two sons named Bhanu and Ranu. After the death of Shakuntala, her property was divided among her heirs as per the Hindu Succession Act, 1956. After sometime in October 1987, Jasuda filed a suit for divorce against her husband on the ground of cruelty and accordingly the court granted judicial separation for the period of one year. Following the court order, Jasuda started living at her father's home. In July 1988, Roopkishor died on a road accident leaving behind his self-acquired property of INR 1,00,000/- and an undivided interest in coparcenary property worth INR 5,00,000/- and left surviving him Jasuda, Rajkumari (his mother), Shyamkishor (his brother), Rani (his sister). In August 1988, Jasuda also died leaving behind her self-acquired property of INR 6,00,000/- and left surviving her Bhanu, Ranu, Indresh, her mother's father Suresh, her father's father Gangaram, Rajkumari, Shyamkishor and Rani. After the death of Jasuda, Shyamkishor took over the entire property of Jasuda on the ground that she was married to his brother and died without any child and hence her entire property must be given to him.</p> | (10)         |

Examine the validity of the claim made by Shyamkishor and devolve the property of Jasuda. Substantiate your answer by citing relevant provisions of the Hindu Succession Act, 1956 and decided case laws.

- Q.4 "Partition" means to divide into parts or to separate, and under the Hindu law, it generally means a division or splitting of a joint Hindu family into smaller, separate and independent units, with conferment of separate status on the undivided coparceners. (10)

In light of the above statement, explain the concept of Partition of coparcenary property under the Hindu Law. Discuss the types of partition and its effect. Differentiate between Partition, Notional Partition and Family Arrangement. Substantiate your answer by citing relevant provisions of Hindu Succession Act, 1956 and decided case laws.

- Q.5 'A' settled in Gandhinagar with his family having his father 'F', mother 'M'. 'A' entered into a marriage with 'W1' in 1952 and had a daughter 'D1' in 1953. After sometime 'A' again married to 'W2' in 1954 and had three sons 'S1', 'S2', 'S3', and a daughter 'D2' from his second marriage with 'W2'. (10)

'D1' married 'H1' and had two sons 'D1S1' and 'D1S2'. 'S1' married 'S1W' and had a son 'S1S' and a daughter 'S1D'. 'S2' married 'S2W' and had three sons 'S2S1', 'S2S2' and 'S2S3'. 'S3' married 'S3W' and had a son 'S3S1'. 'D2' married 'H2' and had two sons 'D2S1' and 'D2S2'.

'S3' along with his wife 'S3W' converted to Christianity and subsequently had a son 'S3S2' and a daughter 'S3D1'. 'D2S1' married 'D2S1W' and had a son 'D2S1S1' and a daughter 'D2S1D1'. 'D2S2' married 'D2S2W' and had a son 'D2S2S1'. 'S3', 'D2' and 'D2S1' died during the lifetime of 'A'. 'S2S1' married 'S2S1W' and had a son 'S2S1S1' and a daughter 'S2S1D1'. 'S2S2' married 'S2S2W' and had a son 'S2S2S1' and a daughter 'S2S2D1'. 'S2S3' is permanently insane and hence he remains unmarried. 'S2S1' died during the lifetime of 'S2' and 'A'.

'S1' along with his friend 'Z' conspired to kill his brother 'S2' and his father 'A'. 'S1' hired a contract killer 'X' for killing. 'A' and 'S2' were killed in a road accident by 'X'. The doctors of Government hospital declared the time of the death of both 'A' and 'S2' between 2100-2200 hrs (approximate). It was also proved in court that 'S1' along with his friend 'Z' and 'X' was guilty of murder of 'A' and 'S2'.

In view of the above mentioned facts and circumstances, divide the property of 'A' and 'S2' citing relevant provisions of the Hindu Succession Act, 1956 and decided case laws.

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**THE SCHEDULE HINDU SUCCESSION ACT, 1956**  
**HEIRS IN CLASS I AND CLASS II**

**Class I**

Son; daughter; widow; mother; son of a pre-deceased son; daughter of a pre-deceased son; son of a pre-deceased daughter; daughter of a pre-deceased daughter; widow of a pre-deceased son; son of a pre-deceased son of a pre-deceased son; daughter of a pre-deceased son of a pre-deceased son; widow of a pre-deceased son of a pre-deceased son; son of a predeceased daughter of a pre-deceased daughter; daughter of a pre-deceased daughter of a pre-deceased daughter; daughter of a pre-deceased son of a pre-deceased daughter; daughter of a pre-deceased daughter of a pre-deceased son.

**Class II**

I. Father.

II. (1) Son's daughter's son, (2) son's daughter's daughter, (3) brother, (4) sister.

III. (1) Daughter's son's son, (2) daughter's son's daughter, (3) daughter's daughter's son, (4) daughter's daughter's daughter.

IV. (1) Brother's son, (2) sister's son, (3) brother's daughter, (4) sister's daughter.

V. Father's father; father's mother.

VI. Father's widow; brother's widow.

VII. Father's brother; father's sister.

VIII. Mother's father; mother's mother.

IX. Mother's brother; mother's sister.

Explanation.—In this Schedule, references to a brother or sister do not include references to a brother or sister by uterine blood.