

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



Mid Semester Test: Mar-Apr. 2016 (Special)

Date: 28th March 2016

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 is not allowed.

Marks

Answer all the question.

- Q.1 Radhe and Veena adopted a son S1 in 1968 in accordance with provisions of the Hindu Adoption and Maintenance Act, 1956. In 1971 Radhe died leaving behind Veena and S1. Veena remarried in 1973 with Vikas and had son S2 and daughter D1 from second marriage. In 1994, son S2 converted his religion and married with a Parsi girl G1. Vikas died intestate in year 1998 leaving behind S1, S2, G1, D1, Veena, his mother M1, his father F & brother B1. Divide the self-acquired property (X) of Vikas among his eligible legal heirs. (07)
- Q.2 What is the effect of marriage under the Special Marriage Act, 1954 on the rights and membership of a coparcenary in a Mitakshara joint Hindu family? (05)
- Q.3 Mr. A, a Hindu by religion entered into a marriage in 1960 and dies in 2006 intestate leaving behind his mother M, father F, widow W, brother S, sister Z, two sons X & Y, daughter D2, husband D1H and daughter D1D of predeceased daughter D1, widow SW & son SK of predeceased son K. X converted his religion during life time of his father in 2005 and Y entered into marriage under the Special Marriage Act, 1954 in same year. Distribute the self-acquired property (X) of A among his eligible legal heirs. (06)
- Q.4 Answer ***any three*** of the following questions: (3x4 =12)
- (a) Write a short note on sole surviving coparcener and his powers in a joint Hindu family.
 - (b) Write a short note on reopening of partition.
 - (c) "*Karta in a joint Hindu family has limited powers of alienation of joint Hindu family property*" Discuss the statement.
 - (d) Differentiate between Mitakshara and Dayabhag joint Hindu family.

Schedule of the Hindu Succession Act, 1956

Class I Heirs

1. Son
2. Daughter
3. Widow
4. Mother
5. Son of a predeceased son
6. Daughter of predeceased son
7. Widow of predeceased son
8. Son of predeceased daughter
9. Daughter of predeceased daughter
10. Son of predeceased son of predeceased son
11. Daughter of predeceased son of predeceased son
12. Widow of predeceased son of a predeceased son
13. Son of a pre-deceased daughter of a pre-deceased daughter
14. Daughter of a pre-deceased daughter of a pre-deceased daughter
15. Daughter of a pre-deceased son of a pre-deceased daughter
16. Daughter of a pre-deceased daughter of a pre-deceased son.

Class II Heirs

- 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.
