


Name:			
Enrolment No:			
<b>UNIVERSITY OF PETROLEUM AND ENERGY STUDIES</b> <b>End Semester Examination, December 2022</b>			
<b>Course: Family Law I</b> <b>Program: BA LL.B./BBA LL.B./B.COM LL.B.</b> <b>Course Code: CLCC2010</b>		<b>Semester: III</b> <b>Time: 03 hrs.</b> <b>Max. Marks: 100</b>	
<b>Instructions:</b>			
<b>SECTION A</b> <b>(5Qx2M=10Marks)</b>			
S. No.		Marks	CO
Q 1	<p>A Minor's Marriage under Hindu Marriage Act is perfectly valid but punishable.</p> <p>(a) True (b) False</p>	2	CO1
Q 2	<p>For a valid adoption, there should be an age gap of 21 years between the adopting Hindu female and the male child being adopted.</p> <p>a) True b) False</p>	2	CO1
Q 3	<p>In which of the following cases the Supreme Court upheld the right of a Hindu Mother to act as a Natural Guardian of the Hindu minor even during the lifetime of the father:</p> <p>a) Laxmikant Pandey v. Union of India b) Surestha Devi v. Omprakash c) Githa Hariharan v. Reserve Bank of India d) N. G. Dastane v. S. Dastane</p>	2	CO1
Q 4	<p>In which of the following cases the Supreme Court upheld the Constitutional Validity of the Muslim Women (Protection of Rights on Divorce) Act, 1986.</p> <p>a) Daniel Latifi v. Union of India b) Mohd. Ahmed Khan v. Shah Bano Begum c) Mashroor Ahmed v. State (NCT) Delhi d) Jiauddin Ahmed v. Anwara Begum</p>	2	CO1

Q 5	Fill in the blanks:  Sapinda relationship is defined in Section _____ Clause _____ and Degrees of Prohibited Relationship is defined in Section _____ Clause _____ of Hindu Marriage Act, 1955	2	CO1
<b>SECTION B</b> <b>(4Qx5M= 20 Marks)</b>			
Q 6	Write a short note on 'Uniform Civil Code'.  <b>OR</b>  Write a short note on 'Maintenance under S. 125 Crpc.'	5	CO2
Q 7	Write a short note on 'Iddat Period'.  <b>OR</b>  Write a short note on 'Law on Inter-Country Adoption in India'	5	CO2
Q 8	Write a short note 'Grounds of Divorce under Christian law.'  <b>OR</b>  Write a short note on 'Essentials of Marriage under Parsi Law'.	5	CO2
Q 9	Write a short note on 'Acknowledgement of Paternity' under Muslim Law  <b>OR</b>  Write a short note on 'Legitimacy of Children born from a Void Marriage under Hindu Law.'	5	CO2
<b>SECTION-C</b> <b>(2Qx10M=20 Marks)</b>			
Q 10	“Under the matrimonial relief of Restitution of Conjugal rights (RCR), the respondent is directed by the court to resume cohabitation with the petitioner where the court finds that the respondent has withdrawn from the society of the petitioner without reasonable cause.”  Discuss the constitutional validity of the remedy of RCR in the light of this statement and the relevant case laws and recent developments.	10	CO3

	<p style="text-align: center;"><b>OR</b></p> <p>“The treatment accorded to the petitioner must be such as to cause such apprehension in the mind of the petitioner that cohabitation will be so harmful or injurious that she or he cannot reasonably be expected to live with the respondent having regard to the circumstances of each case, keeping always in view the character and condition of the parties, their status, environments and social values, as also the customs and traditions governing them.”</p> <p>In the light of the statement elaborate on the ground of ‘Mental Cruelty’ as a ground of Divorce under Hindu Law referring to the relevant case laws on Mental Cruelty.</p>		
Q 11	<p>“The Hindu Marriage Act, 1955 entitles not only the wife but also the husband to claim maintenance pendente lite on showing that he has no independent source of income, and the court may direct the wife to pay maintenance to the husband.”</p> <p>Critically analyse and explain the statement in the light of statutory law of Marriage for Hindus and case laws. Also discuss the essentials of the law of interim maintenance as provided under the Hindu Marriage Act, 1955.</p> <p style="text-align: center;"><b>OR</b></p> <p>“Muslim Law as enforced in India has considered polygamy as an institution to be tolerated but not encouraged and has not conferred upon the husband any fundamental right to compel the first wife to share his consortium with another woman in all circumstances.”</p>	<b>10</b>	<b>CO3</b>

	In the light of the statement discuss the right of Muslim wife to take divorce from her husband under the dissolution of Muslim Marriage Act, 1939. Does taking a second wife amounts to Cruelty to the first wife and can such wife take divorce from her husband on this ground. Discuss in the light of statutory law and case laws.		
<b>SECTION-D</b> <b>(2Qx25M=50 Marks)</b>			
Q 12	<p>Determine the following situations by applying the provisions of Hindu Adoption and Maintenance Act, 1956 (HAMA). <i>(Note:- Mention only relevant statutory provision/s, no need to explain or mention all the conditions of adoption under HAMA, 1956)</i></p> <p>a) Akarsh obtained a decree of divorce against his wife Dipika on the ground of Cruelty. Is he entitled to give her only son, Laksh in adoption without the consent of Dipika? Can he do so under which grounds of HAMA if yes, under which provision of HAMA?</p> <p>What would be your answer if the marriage between Akarsh and Dipika was dissolved by a decree of divorce on the ground of Unsoundness of mind of Dipika. <b>(15 Marks)</b></p> <p>b) Kartik aged 20 years found a new-born female child in a park. He brought up that child as a de facto guardian and when the child turned 5 years of age, Kartik decided to adopt the girl child. Can he do so? If yes, mention under which provision of law he can do so. Also decide if the court's permission is required for such adoption or not. <b>(10 Marks)</b></p>	<b>25</b>	<b>CO4</b>
Q 13	(A)Rajni, a 26 years old Hindu female was married to her father's friend's son Rohan in 2020. Being from very conservative family, she was not asked at the time of her marriage if she is willing to		

	<p>marry Rohan, though she did not expressly resent the proposal. They also omitted to register their marriage with state government. After the marriage, Rohan left his job and was unable to find new employment and had no means to support himself and Rajni. This began to give rise to frequent matrimonial disputes between two and as a result, Rajni left her matrimonial home 18 months after marriage and came back to her parents. Rohan petitioned in the family court for restitution of conjugal rights. In response Rajni filed counter-petition for annulment of marriage on the grounds of absence of consent at time of marriage. Additionally, she also claims interim maintenance under sec. 24. Decide if Rohan/Rajni is entitled to the decree prayed for in light of rights under Hindu Marriage Act and decided cases.</p> <p style="text-align: center;"><b>OR</b></p> <p>(B) The marriage of Sanket and Titiksha was solemnized according to Hindu rites and ceremonies. The mother of Sanket concealed the fact of occasional mental incapacity of Sanket from the family members of Titiksha. The marriage between Sanket and Titiksha could not be consummated owing to the impotency of Sanket. Titiksha married Deepak without ending her first marriage with Sanket and without disclosing the fact of her first marriage with Sanket.</p> <p>Discuss the status of the first marriage and the second marriage of Titiksha with Sanket and Deepak respectively. Whether any offence has been committed by Titiksha here in this situation. Give proper reasons and cite legal provisions and case laws.</p>	<b>25</b>	<b>CO4</b>
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