

5 MAY 2025

NATIONAL LAW UNIVERSITY, JODHPUR

End Term Examination April-May - 2025

Semester: UG VI Semester

Subject: Family Law I

Time: Three Hours

Marks:100

Instructions:

1. Answer any five questions.
2. Support your answers with relevant statutory provisions and case laws

Q1.) To claim divorce under section 13(1) (i) of the Hindu Marriage Act it is not important to prove that the spouse is 'living in adultery' rather a single instance will allow the petitioner to apply'. In light of the above statement highlight the essentials of the said remedy.

Also, decide the validity of the following conduct:

A, threw her wife out of their matrimonial home in the middle of the night. He refused to entertain any attempt at reconciliation. After 5 months of the incident started living with his female friend. When his wife attempted to enter the house to obtain her documents and to smooth things between them he slapped her and closed the doors on her face. The wife started living with her parents, completed her higher master's degree and gained employment. After three years A is filling the application for divorce on the ground of desertion.

[Marks 20]

Q.2). Comment on the legal validity of the following marriages:

- a. A, a Muslim getting married to B, a Christian under the Christian Marriage Act.
- b. X, 20 year old boy, kidnapping a 17 year old girl and getting married to her.
- c. P, wilfully refuses to consummate her marriage with Q. They got married under the Special Marriage Act, 1954.
- d. C, is married to her paternal grandfather's brother's daughter's, daughter's son.

Q.3). Explain the conflict between the Prohibition of Child Marriage Act, 2005 and Muslim Personal Law concerning the age of marriage. How is the issue becoming more complicated after the pronouncement of Independent Thought v Union of India, AIR 2017 SC 4904?

[Marks 20]

Q.4). A and B solemnised their marriage under the Muslim Personal Law. A divorced B after five years of their marriage. B is approaching the Court to seek maintenance under section 125 of the Criminal Procedure Code, 1974. Decide the maintainability of the following claims:



- a. The Muslim Women (Protection Of Rights On Divorce) Act, 1986 shall prevail over the Code and therefore, the plea should be dismissed.
- b. Otherwise, as well, A will not be entitled to pay B as he already paid the *mehr* of 5 lakhs to B, thus protected by section 127(3) of the Code.

[Marks 10+10=20]

Q.5). 'X' and 'Y' got married on 20.1.2020, in the presence of their family members and close friends. They started living together in Delhi. During their marriage, 'X' got apprehensive of 'Y's' periodic visits to the doctor and when asked it was dismissed by 'Y' calling them just the general check-ups. 'X' thought of letting it go and not to interfere. However, when it continued to the next one year of their marriage, he decided to firmly ask 'Y' about the same and when he didn't get any answers from her he disclosed the matter to his parents and in-laws. On the involvement of the family and realising that 'X' would not let the matter go, 'Y' disclosed that for the past 5 years, she has been suffering from recurrent attacks of insanity and is consulting doctors for the same. 'X' felt cheated as the same was not disclosed to him before the marriage.

- a. The remedy available to X if the marriage was solemnised under the Special Marriage Act, 1954.
- b. Validity of marriage under the Hindu Marriage Act, 1955. Also, will the remedy change under the Act if the diagnosis was after the marriage and not before?

[Marks 10+10=20]

Q.6). 'The Court must protect the institution of marriage and safeguard its interest'. Illustrate how often this statement has created hindrances in the realisation of fundamental rights under the Constitution and other civil rights as well.

[Marks 20]

Time: Three Hours

Marks: 100

Instructions:

1. Answer any five questions.
2. Support your answers with relevant statutory provisions and case laws

Q.1). Emphasis on the role of legislative and judicial intervention to protect the divorce rights of Muslim women under the personal law.

[Marks 20]

Q.2). Short notes on the following:

- a. Judicial Separation as Alternative Relief.
- b. Hindu Code Bill.
- c. Constitutionality of 30 days' notice period under the Special Marriage Act, 1954.
- d. *Amardeep Singh v Harveen Kaur*, (2017) 8 SCC 746.

[Marks 5+5+5+5= 20]

Q.3). A, got married to B under the Muslim Personal Law. They were living their life happily and had a baby girl after three years of their marriage. A, adored his daughter and often showered her with gifts. However, the relationship of husband and wife was not the same. B saw a drastic shift in the attitude of A. He started isolating himself from his wife and ignoring her presence. When confronted A admitted that he no longer wants to continue in the marriage and pronounced talaq to B. The relationship was damaged to the extent that A refused to maintain B beyond the iddat period. When B approached the Court under section 125 of the Criminal Procedure Code, 1974 he claimed that he was not responsible for maintaining B beyond the iddat period and that the Muslim Women (Protection Of Rights On Divorce) Act, 1986 shall prevail over the Code. Decide.

[Marks 20]

Q.4). Do you think that the Supreme Court is successful in recognising the irretrievable breakdown of marriage as a ground for divorce? Support your answer with relevant reasoning.

[Marks 20]

Q.5). Sunita got married to Rajesh under section 7 of the Hindu Marriage Act 1954. During their courtship period, Sunita made it very clear that she has a certain living standard that she would like to attain shortly and for the same, both of them must be in a position to continue. Rajesh assured her that he is a postgraduate in finance and is

currently holding the position of team lead in a reputed multinational company. He also claimed that he is in negotiation and is soon to buy a 4BHK in central Delhi. Sunita and her parents made possible enquiries to meet Rajesh's parents and his close friends. They all seem from well-educated and well to do family. After seven months of marriage, Sunita was shocked to discover that web of lies woven by Rajesh. He is not a postgraduate rather he holds a diploma in Office management and is currently employed in a clerical job at a start-up. Sunita is a doctoral candidate in one of the reputed universities of India. Further, the current residence that they're residing in is also not owned by Rajesh rather is a rented apartment. Heartbroken and blindsided by her husband Sunita left the matrimonial house. Even after persuasion by Rajesh Sunita refused to accompany him. Rajesh approached the family court and is now seeking remedy under section 9 of the Hindu Marriage Act, 1954. Sunita is now approaching you to understand the remedy of restitution of conjugal rights and also to enquire about other matrimonial reliefs available to her. Advise.

[Marks 20]

Q.6). Discuss the consequences of conversion on the validity of the marriage under the Parsi Marriage and Divorce Act, 1936, the Dissolution of Muslim Marriage Act, 1939, and the Hindu Marriage Act, 1955.

[Marks 20]

NATIONAL LAW UNIVERSITY, JODHPUR

Mid Term, February - 2025

Semester: UG VI Semester

Subject: Family Law I

Time: One and Half Hour

Marks: 50

Instructions:

1. *All questions are compulsory.*
2. *Please answer all questions to the point. Brevity will be appreciated.*
3. *Support the answers with relevant provisions and cases.*

Q.1) Decide the validity of the following actions under the Hindu Marriage Act, 1955 (the Act):

a. A and B solemnized their marriage under the Act in 2015. In 2018, A was diagnosed with stage 4 cancer. Despite extensive efforts and treatment, the doctors could not cure the disease and advised the couple to spend A's final two months together at home. Devastated by the news, A resolved to make the most of her remaining days. She also urged her husband, B, to remarry, as she wanted him to cherish their time together rather than mourn her passing. Although heartbroken, B honored his wife's request and married C under the Act while A was still alive.

b. X, a Parsi, and Y, a Hindu, had been in a relationship for five years. On February 14, 2023, X proposed to Y, and she accepted on the condition that their marriage would be solemnized in accordance with her customs and practices. She explained that without this, her family would not participate in the wedding, and she could not marry without her parents' blessings. Deeply in love, X readily agreed, and they were married under the Act. However, within a year of marriage, X became disillusioned with his wife's conduct and that of her family. He was frequently taunted for not being a Hindu and for earning less than his wife. The ridicule escalated to such an extent that X decided to seek divorce under Section 13(1) of the Act.

[Marks: 10*2=20]

Q. 2) Comment on the feasibility of implementing a law on the grounds for conversion or re-conversion. Do you think that the jurisprudence developed by the Supreme Court is sufficiently covering the matter?

[Marks 10]

Q. 3) A, a 17-year-old girl was married to B, a 22-year-old boy under the Act in the year 2021. A was against the marriage and did not want to consummate the same. B forced himself upon her on different occasions claiming it to be his right. With the help of an NGO after 2 years A escaped her matrimonial home and approached the CMPO to assist her in getting her marriage annulled. She also filed a case under POCSO against B. Decide on the maintainability of both cases.

[Marks 20]