

1 MAY 2023

NATIONAL LAW UNIVERSITY, JODHPUR

End Term Examination May – 2023

Semester: UG VI Semester

Subject: Family Law I

Marks:100

Time: Three Hours

Instructions:

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

Q.1). Explain the judicial development of the best interest of the child doctrine.

[Marks 20]

Q.2). 'The mere non-compliance of the judicial decree is not a wrong committed under section 23 of the Hindu Marriage Act,1955'. Highlight the dilemma expressed in the statement. Do you think that the judicial precedents are giving a clear answer to this confusion?

[Marks 20]

Q.3). Short notes:

- a. Mehr
- b. Capacity of a person to give in adoption under The Hindu Adoption and Maintenance Act,1956.
- c. Jury System under the Parsi Marriage and Divorce Act,1936.
- d. Absolute prohibition under Muslim Personal Law.

[Marks 5*4=20]

Q.4 Pooja and Deepak got married under the Hindu Marriage Act,1955 and enjoyed a happy marital union along with two children for about ten years. Deepak started neglecting Pooja and the children and stopped providing them with even necessities. Pooja was shocked to know that Deepak was spending his money as well as most of his time with a colleague with whom he had intimate relationship. Her parents also made their best efforts to reconcile but Deepak justified his action alleging that she was not able to provide conjugal comfort to him. Mentally disturbed and neglected Pooja left the matrimonial home along with her children. After two years Deepak filed a petition for divorce on the ground of desertion by Pooja. Discuss in the light of judicial precedent whether he will succeed. Also, suggest alternative matrimonial relief for Pooja.

[Marks 20]

Q.5). Comment upon the common reasoning thread running through *Shayara Bano v. UOI, (2017) 9 SCC 1*. Do you think that the Court is bypassing the question of gender equality in this case?

[Marks 20]

Q.6). Discuss the validity of :

- a. A Christian woman getting married to a Muslim man under the Indian Christian Marriage Act,1872.



- ESG 2011
- b. A, a Hindu boy marries his father's mother's brother's daughter's daughter B.
 - c. M adopted a child in the year 2019 as a single woman. Subsequently, in the year 2020, she got married to N. Now, N also wants to adopt the child.
 - d. X and Y got married under the Special Marriage Act, 1954. They're not able to consummate the marriage owing to the impotence of Y.

[Marks 5*4= 20]