

NATIONAL LAW UNIVERSITY, JODHPUR

End Term Examination October-November, 2023

Semester: UG VII Semester

Family Law II

Time: Three Hours

Marks:100

Instructions:

1. Answer any five questions.
2. Support your answers with relevant statutory provisions and case laws.
3. Read the questions carefully.
4. The alternative descriptive part of question 4 is strictly for Ms. Manugonda Soumya. Any other student attempting the same shall be awarded zero.

Q.1). A, is the Karta of his joint Hindu family, governed by the Mitakshara Law. In the year 2020 he sold half of the joint Hindu Family and generated Rs. 50,00,000/-. He used half of the money to pay medical bills of his brother's minor son (he is also a joint Hindu family member). The other half of the money was used to get his 17 years old daughter married. B, one of the coparceners, employed in the USA came to know about the same after six months. He is immediately challenging the sale of the property as his consent was not obtained. Decide.

(Marks 20)

Q.2). a. Discuss the effect of deletion of the concept of survivorship by section 6(3) of the Hindu Succession Amendment Act, 2005.

b. X, a Sunni Muslim, offered to gift his flat in Noida to his granddaughter Z in the year 2020 under the transaction of Hiba. As the granddaughter was a minor, therefore, the *hiba* was accepted in the presence of the father by the mother of the minor. The transaction of *hiba* was completed over the next two months. As soon as the transaction was completed X died. Now, at the time of calculating his net worth his son, Y, included the Noida flat as well. The inclusion was objected by the mother stating that the same was gifted to her daughter Z. Y contended that the acceptance given is invalid and not acceptable. Under rules governing essentials *hiba* and precedents set decide whether Y's claim is maintainable?

[Marks 20(2*10)]

Q.3) 'The confusion started from Abraham v. Abraham, 1863 and ended with Mary Roy v. State of Kerala'. Justify the statement.

(Marks 20)

Q.4). In the following illustrations divide the property:

i) A, Christian male dies leaving behind his widow, a son, a son of a pre-deceased son, and a daughter of a pre-deceased daughter.

ii) A, a Hindu male died undivided in the year 2021. He is survived by his brother, mother, widow, a son who got converted into Islam in the year 2015. His daughter and daughter's daughter. His son and widow of a pre-deceased son.

Q.4) Explain how daughter's right as a coparcener were settled by the judiciary .
(For Ms. Manugonda Soumya only) [Marks 20(2*10)]
(Marks20)

Q.5). 'Under Section 16(3), a child conferred with legitimacy is entitled to the property of their parents only, and does not have any rights to or in the property of a person other than the parents. Hence, where the deceased has died intestate, the devolution of this property must be among the children - legitimate as well as those conferred with legitimacy by the legislature under Section 16(1) and 16(2) of the HMA 1955. Doing so would not offend or breach the restriction which is specified in sub-section (3) of Section 16.'—*Revanasiddappa and Another v. Mallikarjun, 2023 SCC OnLine SC 1087.*

The above observation by the SC is addressing the dilemma as well as providing the solution for the same. How?

(Marks 20)

Q.6). Write short notes on the following:

- a. Reunion under Mitakshara law.
- b. The Hindu Gains of Learning Act, 1930.
- c. Consent of legal heir under Muslim Personal Law.
- d. The exception to delivery of possession.

[Marks 20(5*4)]