

## NATIONAL LAW UNIVERSITY, JODHPUR

End Term Examination August-December 2025

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.

## Q.1). Write Notes (Any Two):

- a. Essentials of *Wasiyat*.
- b. Rights of child born out of void or voidable marriage.
- c. Doctrine of Relation Back.

[Marks 10\*2=20]

Q.2). X, a Hindu female governed by the Mitakshara school of Hindu law, has two daughters. Despite her father P's protests, she divorced her emotionally abusive husband and raised her daughters on her own. P manages the family's ancestral business, which has a turnover running into crores. One of X's daughters, a law student, expresses her intention to claim a share in her maternal grandfather's ancestral property. X reluctantly agrees but refuses to file a suit for partition herself. P vehemently opposes the move, arguing that his granddaughter has no right in the ancestral property, as only X's rights as a daughter were recognized and became crystallized upon the 2005 amendment to the Hindu Succession Act, 1956.

In light of relevant judicial precedents, examine the validity of P's argument. Further, critically analyze whether the reasoning adopted in *Muhammad Husain Khan v. Babu Kishan Nandan Sahai* (1937) still holds good in contemporary Hindu succession law following the 2005 amendment and subsequent judicial interpretations.

[Marks 20]

Q.3) X, a male Hindu, dies in Delhi as an undivided member of Mitakshara coparcenary in 2014. He is survived by his parents M and F, his sister Sis, one son S1 and one daughter D1. His another son S2 and daughter D2 predeceased him survived by their son and daughter S2S, S2D and D2S, D2D. D1 has two children D1D and D1S and S1 has a wife S1W, and two children S1D and S1S. S1S is married and has a wife S1SW, a S1SS and a daughter S1SD. Determine the share of each and every member in the family.

(b) 'The Hindu Succession Act, 1956 has made a substantial difference in determining the character of property in the hands of the son, inherited by him from his father vis-a-vis grandson from the position as understood under the classical Hindu law.' Comment

[Marks 10\*2=20]

Q.4) In India, the legal recognition and rights of transgender persons have evolved significantly in recent years, particularly following the **Transgender Persons (Protection of Rights) Act, 2019** and the **Supreme Court's judgment in NALSA v. Union of India (2014)**. Considering this legal framework and subsequent judicial pronouncement locate the rights transgender persons in the existing schemes of inheritance and succession.

[Marks 20]

Q.5). a.) Examine the validity of the following gifts under Muslim law:

(i) Rahim is suffering from cancer. When he comes to know about it, he makes a gift of all his property in favour of his wife. Two months later he dies.

(ii) Habib makes a gift of his house to his nephew, Imran who is staying with him. There is no delivery of possession of house but rent receipts are issued in the name of Imran.

b.) A, Sunni Muslim dies leaving behind his true grandfather, father, wife, and son and daughter. Ascertain the shares of his legal heirs. Also, how would the shares change if father is not there.

[Marks 10\*2=20]

Q.6). '*When the husband and wife are treated as two wheels of a family cart, then the contribution made either by the husband by earning or the wife by serving and looking after the family and children, would be for the welfare of the family and both are entitled equally to whatever they earned by their joint effort. The proper presumption is that the beneficial interest belongs to them jointly. The property may be purchased either in the name of husband or wife alone, but nevertheless, it is purchased with the monies saved by their joint efforts. ...No law prevents the Judges from recognizing the contributions made by a wife facilitating her husband to purchase the property.*' *Kannaian Naidu v Kamsala Anmal, (2023) 3 LW 455.*

Examine whether the judgment aligns with the principles of property under Hindu personal law. Also, draft an alternative reasoning of the judgment giving said right a legal foundation.

[Marks 20]

