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**PRESIDENCY
UNIVERSITY**
BENGALURU

School of Law

Mid - Term Examinations - November 2024

Semester: 3rd

Date: 07/11/2024

Course Code: LAW2026

Time: 09:30am – 11:00am

Course Name: Family Law I

Max Marks: 50

Program: BALL.B.(Hons)/BBALL.B.(Hons)/BComLL.B.(Hons)

Weightage: 25%

Instructions:

- (i) Read all questions carefully and answer accordingly.
(ii) Do not write anything on the question paper other than roll number.

Part A

Answer ALL the Questions. Each question carries 2marks.

2Mx5Q=10M

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|---|--|---------|-------------|-----|
| 1 | Define Sapinda Relations. | 2 Marks | Remembering | CO1 |
| 2 | What is Hadis? | 2 Marks | Remembering | CO2 |
| 3 | What are Commentaries? | 2 Marks | Remembering | CO1 |
| 4 | Give two differences between Judicial Separation and Divorce | 2 Marks | Remembering | CO1 |
| 5 | What is Zihar? | 2 Marks | Remembering | CO2 |

Part B

Answer ALL Questions. Each question carries 10 marks.

4QX10M=40M

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|-----|--|---------|---------------|-----|
| 6a. | Discuss Quran as a source of Muslim Law. | 4 Marks | Understanding | CO2 |
| 6b. | Leena, a practicing Hindu woman, falls in love with Aamir, a Muslim. Despite their religious differences, they decide to get married, but Leena is clear from the beginning that she will not convert to Islam. Aamir, understanding her position, agrees to marry her without conversion, and they proceed with a wedding ceremony that follows some traditional Hindu customs, though no specific religious rites from either religion are observed. Their marriage is not registered under the Special Marriage Act, as Aamir's family strongly opposes a civil marriage and insists that their union be based on a | 6 Marks | Applying | CO2 |

private ceremony. Decide on the validity of marriage both under Shia and Sunni schools.

OR

- 7a. Explain Mubarat as a mode of dissolution of marriage. 4 Marks Understanding CO2
- 7b. Faiza, a devout Muslim woman from a conservative family, falls in love with Michael, a practicing Christian from a traditional Christian background. Despite their religious differences, they agree to marry as per Muslim Law and maintain their individual faiths. Prior to their marriage, they discuss how to raise their future children and mutually agree that the children will be raised as Muslims, following Islamic customs, including learning to pray in Arabic, observing Islamic festivals, and learning the Quran. Michael respects Faiza's wishes but also wants their children to have an understanding of Christianity. Decide upon the validity of marriage under both Shia and Sunni Schools. 6 Marks Applying CO2
- 8a. Suresh and Divya have known each other since childhood, as both of their families are close-knit and often meet during family functions and festivals. Over time, they fall in love and decide to get married. Both families are happy about the match and begin planning for a grand wedding. As part of the marriage registration process, they approach the local registrar under the Hindu Marriage Act, 1955. During this process, they are required to submit family details to verify if the marriage complies with the legal requirements. Upon scrutiny of their family backgrounds, it is discovered that Suresh and Divya are Sapindas. Specifically:
a) Suresh's maternal great-grandfather is also Divya's maternal great-great-grandfather.
b) This relationship places them within the fourth generation on their mother's side, which falls under the prohibited degrees of a Sapinda relationship. Decide on the validity of marriage. 6 Marks Applying CO1
- 8b. Explain Legitimacy of Child under Hindu Marriage Act, 1955 4 Marks Understanding CO1
- 9a. Ramesh and Pooja, both Hindu, have known each other for several years and were in a relationship before deciding to get married. In 2023, they got married in accordance with Hindu customs and rites in a grand wedding ceremony. The marriage was solemnized in the presence of family members, and the marriage was also 6 Marks Applying CO1

registered under the Hindu Marriage Act, 1955. After the marriage, it was revealed that Ramesh had a prior subsisting marriage with another woman, Nina, a Christian, which had not been legally dissolved. Ramesh had concealed this information from Pooja, who was unaware of the existence of his first wife. Nina, Ramesh's first wife, had filed for divorce, but the proceedings were still ongoing, and no decree of divorce had been granted at the time of his marriage to Pooja. Upon discovering that Ramesh was still legally married to Nina, Pooja was devastated and felt betrayed. She filed a petition in the Family Court seeking to declare the marriage void. Will she succeed in her claim or not?

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|----|------|--|---------|---------------|-----|
| | 9b. | Explain Customs as a source of Hindu Law | 4 Marks | Understanding | CO1 |
| 10 | 10a. | Akbar, a Muslim man already married to four wives, wishes to marry a fifth woman, Mariam. Akbar divorces one of his wives, but before her Iddat (waiting period) is over, he marries Mariam. Mariam later learns that her marriage took place during the Iddat period of Akbar's previous wife and questions its validity. Decide on the validity of marriage under both schools of Muslim Law | 4 Marks | Applying | CO2 |
| | 10b. | Explain the nature of Muslim Marriage | 6 Marks | Understanding | CO2 |
| | | OR | | | |
| 11 | 11a. | Ahmed, a wealthy businessman, has already been married four times. All of his marriages have been conducted in accordance with Muslim law, and all four wives are still living with him. Despite this, Ahmed falls in love with Sarah, a young woman from Jain community, and decides to marry her as his fifth wife. The marriage ceremony takes place, and Sarah begins living with Ahmed. However, soon after the marriage, Ahmed's first wife, Aisha, discovers that Islamic law allows a man to have only up to four wives at any given time. She confronts Ahmed and informs him that his marriage to Sarah is not legally valid under Muslim law. Sarah, on the other hand, is unaware of this legal limitation and believes that her marriage is valid. Aisha decides to file a case in court, seeking to annul Ahmed's fifth marriage and challenging its legality. Decide as to the validity of marriage under both the school of Muslim Law | 6 Marks | Applying | CO2 |
| | 11b. | Explain Hanabali school. | 4 Marks | Understanding | CO2 |

- 12a. Explain Mutual Consent Theory. 6 Marks Understanding CO1
- 12b. Aruna, a 19-year-old Hindu woman, marries Satish, a 16-year-old Hindu boy. They got married in a traditional Hindu wedding ceremony, following Hindu customs and rituals. The marriage took place with the consent of both families, but no legal age verification was conducted prior to the marriage. After the marriage, Aruna realized that Satish was under the legal age required for marriage. She became concerned about the legality of the marriage and its future implications. She decided to file a petition in the Family Court, seeking a declaration that the marriage is void under the Hindu Marriage Act, 1955. Decide with the help of relevant provisions whether she will succeed in her claim or not.
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- OR
- 13a. Write about Mitakashra Schools. 6 Marks Understanding CO1
- 13b. Vikas and Priya got married in 2023 according to Hindu customs and rites. The marriage was arranged by their families, and they did not have a significant courtship period before marriage. The wedding ceremony followed all traditional Hindu rituals, and the marriage was legally registered under the Hindu Marriage Act, 1955. Shortly after the marriage, Vikas noticed that Priya was avoiding any physical intimacy. Upon questioning, Priya revealed that she had been suffering from a serious psychological disorder, which had affected her ability to consummate the marriage. Priya had been undergoing treatment for this disorder for several years before the marriage, but she and her family had concealed this information from Vikas and his family. Vikas felt deceived and realized that the marriage had not been consummated due to Priya's medical condition, which was unknown to him at the time of marriage. Vikas, feeling that his consent to the marriage had been obtained through fraud and misrepresentation, decided to seek an annulment of the marriage. Decide whether he will succeed or not.
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