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 **PRESIDENCY UNIVERSITY**

  **Bengaluru**

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| **End - Term Examinations – JANUARY 2025** |
| **Date:** 11 – 01- 2025 **Time:** 01:00 pm – 04:00 pm |

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| **School:** SOL | **Program:** BA/BBA/B Com LLBHONS |
| **Course Code :**LAW2026 | **Course Name :** Family Law I |
| **Semester**: III | **Max Marks**:100 | **Weightage**:50% |

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| **CO - Levels** | **CO1** | **CO2** | **CO3** | **CO4** | **CO5** |
| **Marks** |  |  |  |  |  |

**Instructions:**

1. *Read all questions carefully and answer accordingly.*
2. *Do not write anything on the question paper other than roll number.*

**Part A**

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| **Answer ALL the Questions. Each question carries 2marks. 10Q x 2M=20M** |
| **1** | Explain briefly the “Fault-Based Divorce” theory. | **2 Marks** | **L1** | **CO3** |
| **2** | Define Nikah in Islamic law. | **2 Marks** | **L1** | **CO4** |
| **3** | "Khula" as a valid form of dissolving Muslim marriage. Briefly discuss its requirements | **2 Marks** | **L2** | **CO1** |
| **4** | Discuss briefly “Talaq-ul-Biddat” as a form of divorce | **2 Marks** | **L2**  | **CO2** |
| **5** | Define “Iddat” in Islamic law. | **2 Marks** | **L1** | **CO2** |
| **6** | What is Consanguinity under Muslim Law? | **2 Marks** | **L1** | **CO2** |
| **7** | Explain the concept of Family under Transgender Act, 2019 | **2 Marks** | **L2** | **CO4** |
| **8** | Who are lawful Guardians under Hindu Minority and Guardianship Act, 1956? | **2 Marks** | **L1** | **CO1** |
| **9** | Explain the Relation which are prohibited under Hindu Marriage Act, 1955 | **2 Marks** | **L2** | **CO1** |
| **10** | Define Foetus under Surrogacy Act, 2021. | **2 Marks** | **L1** | **CO6** |

 **Part B**

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| **Answer the Questions Total 80 Marks** |
| **11.** | **a.** | Radha, 15 years, and Mohan, 16 years, marry without the consent of Radha’s parents while she is a minor. Radha’s father challenges the validity of their marriage stating that as his consent was not taken at the time of marriage, so the marriage is not valid. Decide upon the validity of marriage with the help of relevant provisions and case laws, if any. Also, state whether the marriage will be void or voidable. Give reason for your answer. | **5+5 Marks** | **L3** | **CO1** |
| **or** |
| **12.** | **a.** | Explain the essentials of valid Hindu Marriage under Hindu Marriage Act, 1955. | **10 Marks** | **L2** | **CO1** |
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| **13.** | **a.** | Ramesh marries Reena without informing her that he is financially incapable of supporting a family. He has a significant debt that he hid from her. Reena later learns about his financial issues and questions the validity of their marriage. Does this lack of disclosure affect their marriage under Section 5? Decide with the help of relevant provisions and case laws. | **5+5 Marks** | **L3** | **CO3** |
| **or** |
| **14.** | **a.** | A Hindu couple, Ajay and Sunita, marry, but their marriage is later declared void due to Ajay’s undissolved previous marriage. They have a daughter together. Can the daughter inherit Ajay’s property under Section 16? Also, decide upon the legitimacy of the child. | **10 Marks** | **L3** | **CO3** |

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| **15.** | **a.** | In the light of Shayara Banu case, critically analyse Muslim Women (Protection of Rights on Marriage) Act, 2019. | **10 Marks** | **L2** | **CO5** |
| **Or** |
| **16.** | **a.** | Explain the powers of Testamentary guardian under Hindu Minority and Guardianship Act, 1956. | **10 Marks** | **L2** | **CO5** |

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| **17.** | **a.** | Asif and Sara, a Muslim married couple, have been together for five years. They have a generally stable relationship but occasionally experience intense arguments due to personal and family pressures. During a heated argument over finances and family interference, Asif becomes very angry and, in a fit of rage, pronounces “talaq” three times to Sara. At the time, Asif did not truly intend to end the marriage. He used the words impulsively, under extreme anger and frustration. Shortly after the argument, Asif regrets his words, realizing he had no genuine desire to divorce Sara. He attempts to apologize and explain that he did not mean the talaq pronouncement seriously. Sara, however, is unsure about the talaq’s validity and wonders if they are still considered married under Islamic law. The situation raises a question about whether Asif’s pronouncement of talaq, made in a moment of anger and without real intention, constitutes a valid divorce under Islamic law. Decide whether the pronouncement by Asif is valid or not. Also whether it dissolves marriage or not. Justify with reasons. | **8+7 Marks** | **L3** | **CO4** |
| **Or** |
| **18.** | **a.** | A Muslim woman, Farah, married her husband, Imran, six years ago. They were initially happy, but their relationship gradually deteriorated due to various personal and financial conflicts. Two years ago, Imran abruptly left their marital home without providing any explanation or information about his whereabouts. Since then, he has made no effort to contact Farah, and she has not received any support from him, either financial or emotional. Despite several attempts to contact Imran and encourage him to return, Farah has received no response. Imran has abandoned his role as a husband, and Farah feels that the marriage has effectively broken down. After two years of abandonment, she decides to seek a formal dissolution of the marriage. Farah wants to know if she has valid grounds for divorce under the Dissolution of Muslim Marriage Act, 1939. Advise her with the help of relevant provisions and case laws | **8+ 7 Marks** | **L3** | **CO3** |

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| **19.** | **a.** | A Muslim woman marries her deceased husband’s brother. While the family supports the marriage, religious authorities claim it violates Islamic law. Can this marriage be considered valid? Decide the validity of marriage under both the schools of Muslim Law. | **7+8 Marks** | **L3** | **CO2** |
| **Or** |
| **20.** | **a.** | A 19-year-old Hindu woman marries a 40-year-old Hindu man in a private ceremony without witnesses. The man’s family claims the marriage is invalid due to lack of proper rituals and witnesses. Is their marriage valid under Section 5? Decide with the help of relevant provisions and case laws. | **15 Marks** | **L3** | **CO1** |

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| **21.** | **a.** | Raghav and Meena, a Hindu married couple in their late 60s, have been married for over 40 years. Due to personal conflicts and differing views on their future, they have been living separately for the past five years. Raghav and Meena did not formally divorce but chose to live separately without any legal proceedings. Raghav is retired and does not have any regular income or significant savings. Meena, on the other hand, inherited significant assets and property from her family and currently earns a stable income through investments in rental properties. Her financial situation is considerably better than Raghav’s, allowing her a comfortable standard of living. Raghav has been struggling with age-related health issues, including arthritis and hypertension, which require ongoing medical care. Given his health and financial situation, Raghav seeks maintenance from Meena to support his living expenses, medical treatment, and general upkeep. However, since Meena lives separately and they have not filed for divorce, he is unsure if he qualifies for maintenance under matrimonial remedies. Advice with the help of relevant provisions and case laws. | **20 Marks** | **L3** | **CO4** |
| **Or** |
| **22.** | **a.** | Ramesh and Sunita, a married couple, have been unable to conceive a child due to medical reasons. They approach a surrogacy clinic seeking an altruistic surrogacy arrangement. Upon reviewing their documents, it is discovered that Ramesh is 42 years old, while Sunita is 44 years old. Additionally, Sunita has not provided any medical certificate proving her inability to conceive**.** Can the couple legally proceed with the surrogacy under Section 4 of the Surrogacy (Regulation) Act, 2021? Discuss in light of the eligibility criteria for intending couples and medical conditions mandated by the Act**.** | **20 Marks** | **L3** | **CO4** |

**\*\*\*\*\* BEST WISHES \*\*\*\*\***