

GUJARAT NATIONAL LAW UNIVERSITY
SILVASSA CAMPUS
 Course: **Family Law II**
 Semester- V (Batch: 2023-28)

End Semester Exam: October-November 2025

Date: 24th October, 2025

Duration: 3 hours

Max. Marks: 50

Instructions:

- Read the questions properly and write the answers in the given answer book.
- Do not write anything on the question paper.
- The respective marks for each question are indicated in-line.
- Indicate correct question numbers in front of the answer.
- No questions or clarification can be sought during the exam period, answer as it is, giving reason, if any.
- Word Limit: 10 Marks: 700-800 words, 5 Marks: 400-500 words.

(Answer any five questions)

- | | Marks |
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| Q.1 Examine the concept of coparcenary property and explain how the Hindu Succession (Amendment) Act, 2005 transformed the rights of daughters as coparceners. What is the current legal position of women's coparcenary rights after the Supreme Court's decision in <i>Vineeta Sharma v. Rakesh Sharma</i> , AIR 2020 SC 3717? | (10) |
| Q.2 A Hindu male 'P' was murdered by his own son S3. P died leaving behind a widow and 5 children. There were 3 sons and 2 daughters – S1, S2, S3, D1 and D2. Out of these, S1, S2 and D2 were predeceased. S1 had left behind a widow and a son S1S who was also predeceased and was survived by his widow and a son S1SS. S2 had two children – S2S and S2D, out of whom S2D had died before P's death and had left behind a widower. S2S had a son named S2SS. S3 has a daughter. D1 had no children. D2 had two children – D2S and D2D. Predeceased D2S had two children D2SS and D2SD. Distribute P's property among all his legal heirs. Support your answer with relevant legal provisions. | (10) |
| Q.3 Aman is the senior-most coparcener of a Hindu joint family and has been acting as its <i>Karta</i> . Without taking the consent of other coparceners, Aman sells a valuable piece of ancestral land belonging to the joint family to B, claiming the sale proceeds are needed for the marriage expenses of his daughter and for repaying old family debts. Later, the other coparceners challenge the sale in court, alleging that it was not for any "legal necessity" and that Aman misused his powers as <i>Karta</i> .
In the light of Hindu Law, discuss the position and powers of a <i>Karta</i> in a Hindu Joint Family, the circumstances in which such alienation without consent may be valid, the burden of proof to establish legal necessity or benefit of the estate, and assess whether Aman's alienation would be legally valid. | (10) |
| Q.4 A Muslim female, 'W', dies leaving behind her husband, father, mother, true grandmother, a sister, and two daughters. Determine the share of property each heir of W will receive in accordance with Sunni law, giving reasons. Further, explain the doctrines of Aul and Radd in Muslim inheritance law and apply whichever doctrine is applicable to this case. | (10) |

Q.5 A Muslim male, 'P', dies leaving behind his widow (W), two daughters (D1 and D2), and two sons of his predeceased son (SS1 and SS2). Divide P's property in accordance with the rules of inheritance under Sunni Muslim Law. Further, explain who are residuaries and under what circumstances they inherit property under Sunni Law? (10)

Q.6 A Sunni Muslim woman, Z, makes a will (Wasiyat) bequeathing one-half of her property to her close friend R and one-third of her property to a Hindu temple. She dies leaving behind her husband and two children. No consent of her heirs was obtained during her lifetime. (10)

In the light of testamentary succession under Sunni Muslim Law, examine whether the will is valid. Explain the essential requirements of a valid will under Muslim Law, including the permissible limits on bequests and the effect of heirs' consent.

THE SCHEDULE IN HINDU SUCCESSION ACT, 1956

HEIRS IN CLASS I AND CLASS II

Class I

Son; daughter; widow; mother; son of a pre-deceased son; daughter of a pre-deceased son; son of a pre-deceased daughter; daughter of a pre-deceased daughter; widow of a pre-deceased son; son of a pre-deceased son of a pre-deceased son; daughter of a pre-deceased son of a pre-deceased son; widow of a pre-deceased son of a pre-deceased son 1 [son of a predeceased daughter of a pre-deceased daughter; daughter of a pre-deceased daughter of a pre-deceased daughter; daughter of a pre-deceased son of a pre-deceased daughter; daughter of a pre-deceased daughter of a pre-deceased son].

Class II

I. Father.

II. (1) Son's daughter's son, (2) son's daughter's daughter, (3) brother, (4) sister.

III. (1) Daughter's son's son, (2) daughter's son's daughter, (3) daughter's daughter's son, (4) daughter's daughter's daughter.

IV. (1) Brother's son, (2) sister's son, (3) brother's daughter, (4) sister's daughter.

V. Father's father; father's mother.

VI. Father's widow; brother's widow.

VII. Father's brother; father's sister.

VIII. Mother's father; mother's mother. IX. Mother's brother; mother's sister.

Explanation.—In this Schedule, references to a brother or sister do not include references to a brother or sister by uterine blood