

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

End Semester Examination: April – May 2025

Date: 21st April, 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 |
|--|--------------|
| <p>Q.1 Raj and Simran have been married for 5 years. Over the past two years, Simran has faced repeated physical and emotional abuse at the hands of Raj. Despite repeated efforts by Simran to seek help and counselling, Raj's behaviour has only worsened. Recently, Simran also discovered that Raj is in an extramarital relationship and has been cohabiting with another woman during his work trips. Simran now wishes to file for divorce.</p> <p>On the basis of the above facts:</p> <p style="padding-left: 40px;">a) Identify which theory of divorce is applicable in this case and explain its key features.</p> <p style="padding-left: 40px;">b) Based on the facts, identify and explain the grounds under this theory in the Hindu Marriage Act, 1955 that Simran may invoke to seek divorce. Support your answer with relevant legal provisions.</p> | (10) |
| <p>Q.2 Mr. Ramesh, a 40-year-old Hindu widower has two biological sons. He wishes to adopt a 16-year-old Hindu boy named Arjun, whose parents are alive and practicing Hindus. Arjun's parents agree verbally to the adoption, but no <i>dattahomam</i> ceremony is conducted. Moreover, no actual "giving and taking" of the child takes place. Later, Mr. Ramesh claims that Arjun is now his legally adopted son and is entitled to inherit his property.</p> <p>Based on the facts provided:</p> <p style="padding-left: 40px;">a) Examine whether the adoption is valid under Hindu Adoptions and Maintenance Act, 1956 and identify the essential legal conditions that must be fulfilled for a valid adoption.</p> <p style="padding-left: 40px;">b) How do the essential requirements for a valid adoption under Hindu personal law differ from the eligibility conditions prescribed under the CARA Guidelines?</p> | (10) |
| <p>Q.3 Write short notes on the following (Any two):</p> <p style="padding-left: 40px;">(i) Restitution of Conjugal Rights</p> <p style="padding-left: 40px;">(ii) Judicial Talaq under Muslim Law</p> | (5+5=10) |

(iii) Dower in Islamic Law

- Q.4 Nusrat and Faizan, a Muslim couple married under Islamic personal law, lived together for six years. Due to repeated disputes and Faizan's refusal to provide financial support, Nusrat moved out and started living with her parents. Despite several attempts at reconciliation, Faizan eventually gave her *talaq* in accordance with Muslim personal law. During the *iddat* period, Faizan did not provide any maintenance or make arrangements for future financial support. Nusrat, who was unemployed and unable to maintain herself, found herself in a vulnerable financial condition. She now wants to know all her legal options for claiming maintenance—both under religious and secular laws. (10)

Based on the situation above, as Nusrat's lawyer, identify and explain the legal avenues through which Nusrat, a Muslim woman, can claim maintenance in India. Support your answer with relevant legal provisions and case laws.

- Q.5 Ranbir and Alia, both practicing Hindus, got married in a quiet ceremony at their home. They did not perform any traditional Hindu rituals but signed a mutual agreement declaring themselves as husband and wife in front of their friends. The marriage was not registered. At the time of the marriage, Alia was 17 years old, and Ranbir was 23. Their relationship turned sour within a few months, and Alia moved back to her parents' home. Later, Ranbir filed a case claiming that Alia was legally his wife and must return to him. Alia contests this, arguing that the marriage was neither legally valid nor complete under Hindu law. (10)

Based on the above scenario, discuss whether the marriage between Ranbir and Alia fulfils the legal requirements of a valid Hindu marriage under the Hindu Marriage Act, 1955.

- Q.6 Ayesha, a Sunni Muslim woman, was divorced by her husband Ahmed through *talaq-e-ahsan*. After receiving the pronouncement, Ayesha was observing the *iddat* period of three lunar months, however, due to financial pressure, she relocated to another city before completing her *iddat* at her marital home. While in the new city, she met Zubair, a Shia Muslim man, who proposed marriage to her. Believing that the *iddat* period was just a formality and that she could remarry since three months had nearly passed, Ayesha accepted the proposal. They got married with the presence of two witnesses and *mehar* was specified, but her *iddat* had not officially ended at the time of *nikah*. Later, a family dispute arose and Zubair's relatives began to question the validity of the marriage on both legal and religious grounds. (10)

Based on the above facts:

- a) Identify and explain the essential requirements for a valid Muslim marriage (*nikah*) and analyze whether Ayesha and Zubair's marriage satisfies these conditions.
- b) Discuss the legal significance of the *iddat* period in the context of remarriage. Was Ayesha eligible to remarry at the time?
