Haryana Civil Judge (Mains) 2010

Civil Law II · compulsory paper

1. (a) Define and explain the following terms as referred to in the Hindu Marriage Act:

(i) "full blood" and "half blood"; (ii) "uterine blood"; (iii) "sapinda relationship".

(b) Critically examine the special grounds of divorce available to a Hindu wife under the Hindu Marriage Act, 1955.

(c) How would the separate property of the deceased be distributed under Mitakshara law in the following cases? Explain by giving reasons.

(i) A Hindu dies, leaving behind a widow, an adopted son and an after-born natural son. (ii) A Hindu dies, leaving behind a widow and a son of a predeceased son. (iii) A Hindu dies, leaving behind a mother's sister and a father's half-sister's son.

(d) Explain what is deemed partition under the Hindu Succession Act, 1956.

2. (a) (i) In what cases may an adopted son impeach alienations made by the widow of his adoptive father prior to his adoption? (ii) G, an unmarried girl of 20 years, adopts a boy of 7 years. Is the adoption valid? (iii) A, with the consent of his wife, validly adopts B. Later on B starts misbehaving and beating A and his wife. A wants to cancel the adoption of B. Comment.

(b) What is the law regarding the maintenance of a widowed daughter-in-law?

(c) Discuss the law relating to the custody of a child by the mother, under the Hindu Minority and Guardianship Act, 1956, in the light of the latest development in law.

(d) X is acting as de facto guardian of a Hindu child aged 12 years. X intends to dispose of the property of such child. Can he do so? Refer to the provisions of the Hindu Minority and Guardianship Act.

3. (a) Define wakf. What are the legal incidents of a valid wakf?

(b) B, a Muslim wife, seeks dissolution of her marriage with A on the ground that A neglected to maintain her for a period of 2 years. In fact, B had voluntarily left A, who brought a second wife. Decide the claim of B.

(c) Marriage amongst Muslims is "not a sacrament but a civil contract". Elucidate.

(d) What do you understand by Punjab Customary Law? How much is this relevant with regard to marriage and divorce after the codification of Hindu Law?

4. (a) Discuss the law relating to the computation of the period of limitation prescribed for any suit, appeal or application, and the exclusion of time bona fide spent in pursuing proceedings in a Court having no jurisdiction.

(b) A advanced Rs. 10,000 to B on simple mortgage of his property on 1.1.1977. The period of repayment was one year from the date of the mortgage. In December 1980, A died leaving C, a minor son aged one year. In 1998, C filed a suit for sale of the mortgaged property. Is the suit within time? If so, explain.

(c) A borrowed a sum of money from B. The last date for filing the suit fell on a Sunday. On the next day, i.e. Monday, A gave a written acknowledgement to B. Should B file the suit immediately on Monday or can he file it after some time? Advise.

(d) Enumerate the nature and category of documents whose registration is optional.

5. (a) State with reasons whether registration of the following documents is compulsory:

(i) a sale certificate given by a court; (ii) a general power of attorney.

(b) How do you distinguish between divorce and judicial separation?

(c) How does the Hindu Marriage Act provide for the legitimacy of children of a voidable marriage?

(d) X, a Hindu male aged 18 years, married Y, a female aged 14 years. The marriage was consummated when Y was 17 years. Will she be entitled to get a decree of divorce under the Hindu Marriage Act?

De Facto IAS