Odisha Judicial Service (Mains) 2017

Personal Law · optional paper

3 hours · 150 marks

The figures in the right-hand margin indicate marks. Answer six questions, selecting three from Section A and three from Section B.

Section A

1. Whether the cruelty is ground of divorce under Hindu law. Discuss the concept of mental cruelty, with the help of cases decided by Supreme Court of India. [25 marks]

2. State the grounds on which a decree for judicial separation may be obtained under Hindu Marriage Act, 1955. How does decree for judicial separation differ from a decree of divorce ? [25 marks]

3. Distinguish between void and voidable marriage. Whether a son born of a void marriage Can claim share in property of his uncle who formed coparcenary with his father and died intestate without any issue. [25 marks]

4. "The Doctrine of relation back in law of adoption was laid to rest by the provisions of Hindu Adoption and Maintenance Act, 1956. But it now has been revived by decision of Supreme Court." Elucidate. [25 marks]

5. “With the enactment of Hindu Marriage Act, 1955, the institution of marriage which was once supposed to an indissoluble spiritual union under Vedic law is transformed into that of civil contract.” Comment. [25 marks]

6. Discuss the provision relating maintenance of wife under the Hindu Adoption and Maintenance Act, 1956. When can she claim separate residence and maintenance ? [25 marks]

Section B

7. Describe clearly sources from which Islamic law is derived. State the general rule followed by courts in interpretation of Hanafi law. [25 marks]

8. Write a critical note on Talaq-e-Ahsan, Talaq-e- Hasan and Talaq-al-Biddat. Can husband divorce his wife without her consent and without assigning any reason under Islamic law ? Express reason for your answer. [25 marks]

9. Briefly describe the right of maintenance of a muslim wife against her husband. Is she entitled to get maintenance after her divorce after passing her Iddat. Discuss with the help of cases decided by Supreme Court. [25 marks]

10. State basis of the right of Pre-emption. On sale of a house by a Sunni Muslim, his neighbor brings a suit for pre-emption on the ground of vicinage. During the pendency of the suit the neighbor transfers his own house to third person. Decide. [25 marks]

11. A waqf is completed by mere declaration of endowment by the owner.” Examine this proposition. ‘A’ executed a deed of waqf for the benefit of his wife with the condition that in case of she re-married after his death, the beneficial interest given to her would be forfeited. Is the waqf valid ? [25 marks]

12. Who are the sharers under Hanafi’law of inheritance? Calculate the individual shares of each of the following where there are no other heirs: [25 marks]

(a) Father

(b) Mother

(c) Wife

(d) Sister

De Facto IAS