Punjab Civil Judge (Mains) 2019

CIVIL LAW II · compulsory paper

Time: Three Hours · Maximum Marks: 200

Instructions for candidates:

1. Attempt All the questions and in the same order in which they appear in the question paper.
2. Marks for individual questions are indicated against each question
3. Support your answers with relevant provisions and case law.
4. No extra answer sheet will be provided.

Question 1

1(a). Critically analyse the scope of 'Condonation' as a defence to the ground of cruelty under Section 13 of the Hindu Marriage Act, 1955, with the help of relevant case laws and provisions? [10 marks]

1(b). What are the effects of Registration and Non-registration of documents? Elaborate with the help of suitable examples, statutory provisions and judicial decisions. [10 marks]

1(c). Elaborate upon the circumstances in which registration of a document can be refused by the registering authority. Are there any remedies available against unjustified refusals of registration? If yes, explain with relevant provisions and judicial decisions, if any. [10 marks]

1(d). What are the principles of condonation of delay under the limitation Act, 1963? Discuss with suitable examples and appropriate provisions. [10 marks]

Question 2

2(a). Define wasiyat. Discuss its essential characteristics and also elaborate upon what limitations have been put on Muslim bequests? [10 marks]

2(b). "In Muslim Law, an acknowledgement of legitimacy is a declaration of legitimacy, and not the legitimation." Explain the concept of acknowledgement with the help of relevant case laws? [10 marks]

2(c). Discuss the concept of talaq-e-tafweez under Muslim personal law along with illustrations. [10 marks]

2(d). Discuss the provision of customary divorce under the Hindu law with the help of appropriate illustrations and relevant judicial decisions. [10 marks]

Question 3

3(a). What is the position of the joint family property in the hands of a sole surviving coparcener? explain with the help of appropriate illustrations and relevant judicial decisions. [10 marks]

3(b). "The concept of unsoundness of mind under the personal law is broader than the unsoundness of mind in case of a criminal law." Analyse the scope of unsoundness of mind under section 5 of the Hindu Marriage Act, in the light of above statement with the help of relevant case laws? [10 marks]

3(c). Discuss whether a Hindu woman can be a Karta-Manager of a Mitakshara Hindu Joint Family. [10 marks]

3(d). Elaborate the grounds on which a Hindu wife can claim maintenance and separate residence from her husband. Whether a husband can refuse to provide maintenance to an unchaste wife

residing with him? Discuss with reference to relevant judicial decisions. [10 marks]

Question 4

4(a). Discuss the legal status of a child born out of a live-in relationship under the Hindu Marriage Act, 1955. [10 marks]

4(b). Explain the concept of desertion under the matrimonial laws of Hindus and refer to decided cases on this point. Can a husband compel his wife to resign her job and stay with him? Discuss. [10 marks]

4(c). Examine the validity of a marriage between two male Hindus under the Hindu Marriage Act, with the help of relevant case laws and provisions. Also state whether such marriage would be valid, void or voidable? [10 marks]

4(d). "Adoption is generally irrevocable and irreversible". Critically analyse the statement with the help of relevant provisions and case laws? [10 marks]

Question 5

5(a). Critically analyse the retrospective application of Section 14 of the Hindu Succession Act, with the help of relevant case laws? [10 marks]

5(b). Critically analyse the judgment given by the Apex Court in Joseph Shine v. Union of India (adultery case) and its effect on the institution of marriage? [10 marks]

5(c). Radhika lives with her two minor children, and Vishal, her husband who is of unsound mind. To maintain herself, her husband and minor children she claims maintenance from her father-in-law, Ghanshyam. Ghanshyam denies maintenance as according to him his obligation to maintain Radhika arises only after Vishal's death. Is Ghanshyam legally bound to provide maintenance under the Hindu Adoption and Maintenance Act, 1956? Support your answer with relevant case law and recommendations of the Law Commission in this regard. [10 marks]

5(d). As per the Hindu Succession Act, answer the following questions:
(i) A Female Hindu died leaving behind 4 lakh worth of self-acquired property and house hold property which she received from her deceased father. Following heirs survived her:- widower, mother, mother-in-law, father-in-law. Divide the shares amongst her eligible heirs to the property.
(ii) A male Hindu propositus died leaving behind a father, mother, two sons and a widow. Divide the shares. [5 × 2 = 10 marks]