Punjab Civil Judge (Mains) 2022

CIVIL LAW II · compulsory paper

3 June 2023 · Three hours · 200 marks

1. Attempt all questions in the same order in which they appear.
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). When does the petition for restitution of conjugal rights lie? Does refusal of wife to resign from her job at a distant place amount to withdrawal from husband's society without reasonable cause? Explain. [10 marks]

1(b). Write notes on: (a) Right of maintenance of a wife in a void marriage. (b) Legitimacy of children from void and voidable marriage (c) The Anand Marriage Act, 1909. [15 marks]

1(c). Discuss the expanding contours of mental cruelty as a ground of divorce under Hindu Marriage Act, 1955. [15 marks]

Question 2

2(a). A Hindu female died intestate in 2015. She was survived by her husband and parents Her property constituted self-acquired property, the property received from her father at the time of marriage, and property gifted to her by her husband and in-laws. Who is entitled to succeed to her property according to Hindu Succession Act, 1956? [10 marks]

2(b). 'A' dies issueless, 'B' his wife adopts a son 'C' after death of A. Meanwhile a partition of joint family property took place before the adoption of 'C'. Applying the doctrine of relation back, explain the right of 'C' in the property of "A"? [10 marks]

2(c). "The extinction of coparcenary does not affect the existence of joint-family." Comment.

2(d). Discuss the grounds of divorce available to the wife under Muslim Law. [10 marks][10 marks]

Question 3

3(a). "K' a Hindu male marries 'J' and a son 'S' is born to them. The marriage is later declared null and void. Thereafter 'K' adopts a son 'A'. Examine the validity of adoption and the rights, if any, of 'S' and 'A' in the property of 'K'. [10 marks]

3(b). A Hindu wife who was treated with cruelty, left the house of the husband, and started living separately. Is she entitled to claim maintenance from her husband? If yes, then under which provision of law. Explain. [10 marks]

3(c). Write notes on: (i) Legal Disability. (ii) Option of puberty under Muslim Law. (iii) Apostasy under Muslim Law. (iv) Alimony under Hindu Law. [20 marks]

Question 4

4(a). Examine the validity of the following adoptions under Hindu Adoption and Maintenance Act, 1956. (i) Arvind adopts a boy named Ankur. But displeased with the boy's lazy nature he cancels the

adoption. (ii) Rajni, a Hindu widow aged 24 years, adopted her brother's daughter two and half years old. (iii) Sanjiv and Jyoti have two children, Ravi and Seema. They adopted a girl child Anu. [15 marks]

4(b). Who can produce the document for registration before the Sub-Registrar? What is the effect of non-registration of the document, which requires registration compulsorily under the Registration Act, 1908? Whether unregistered document can be used in court proceedings as evidence? [15 marks]

4(c). Whether following types of leases of immovable property require registration? Give reasons: (a) A lease from year to year. (b) A lease for 6 months. (c) A lease for term exceeding one year. (d) A lease which is for one year with an option to a tenant to renew for a further period of one year. [10 marks]

Question 5

5(a). What are the circumstances under which certain period of time is excluded while computing the limitation period? [10 marks]

5(b). What do you understand by the term "valid acknowledgement under the Limitation Act, 1963? [10 marks]

5(c). A joint Hindu family property was sold by the father acting for himself and on behalf of his minor sons in 1990 and the purchaser further sold the property in 1992. The possession passed from father to purchaser on August 17, 1992. The father died in April 1998. A suit was filed by the sons on January 9, 2008, claiming their shares in the joint family property alienated by their father. The three sons had been born in the years 1978, 1981 and August 13, 1987, respectively. Decide whether the challenge made by the sons was within limitation as per the Limitation Act, 1963. [10 marks]

5(d). Explain the concept of 'Iddat' under Muslim Law. [10 marks]