

Roll No: -----



UNIVERSITY OF PETROLEUM AND ENERGY STUDIES

End Semester Examination, May 2018

Programme: B.A., LL.B. (Hons.) Labor/Criminal Law, B.A., LL.B. (Hons.) Energy Law, B.B.A., LL.B. (Hons.) Banking, Finance & Insurance International Trade & Investment Law, B. COM., LLB. (Hons.) Taxation Law, B.B.A., LL.B. (Hons.) Corporate Law

Subject (Course): Family Law-II
Course Code: LLBL202
No. of page/s: 6

Semester – IV
Max. Marks : 100
Duration: 3 Hrs.

Section A [2x5 = 10]
Attempt all questions

Write short notes on the following:

1. Hindu Endowments
2. Doctrine of Cypess
3. Doctrine of Rudd
4. Doctrine of Pious Obligation
5. Privileged Will

Section B [10x 2]
Attempt any two questions

6. What is Pre-Emption under Muslim Law? Who can pre-empt. Enumerate the procedure and requirements of Pre-Emption and comment on its constitutional validity. Explain whether a similar concept exists under Hindu Law?
7. What is a heritable property under Hindu Law and Muslim Law? Explain the general rules and principles of inheritance under Hindu and Muslim Law.
8. Gift is the transfer of certain existing movable or immovable property made voluntarily and without consideration by one person to another. In light of the same In light of the same explain how a gift and be made by a Hindu viz –a viz a Muslim man. Enumerate the various types and variations of gifts under Muslim Law.

Section C [10x 2]
Attempt any two questions

9. Will is a legal declaration of the intention of the testator with respect to his property which he desires to be carried into effect after his death.” Explain the statement and compare the Hindu and Muslim Laws.
10. “*Waqf* is the detention of a thing in the implied ownership of almighty god in such a manner that its profits may revert to or be applied to the benefit of his creatures.” Elucidate. Is *Ariyat* the same as *Waqf* –Comment?
11. Every law of succession defines the rules of distribution of property in case a person dies without making a will.” Explain rules governing *Christians* and *Parsis*.

Section D [10x5]
Attempt all questions

12. ‘H’ makes a gift by a registered deed to his minor wife, ‘W’, who has attained the puberty .The gift was accepted on W’s behalf by her mother in whose house ‘H’and ‘W’were residing .W’s father and grandfather were dead. Discuss the validity of the Gift under Muslim Law. What would your answer be if H were a Hindu?
13. W a Hindu Widow got a house as a limited owner under a decree of the Court in lieu of her maintenance out of Joint Family Property in 1950. Now she wants to make a gift of the house in favour of her brother .Can she do so? Explain in the light of Hindu Succession Act, 1956.
14. A is suffering from Cancer .When he comes to know about it he makes a gift of all his property in favour of his wife. Six months later he died. Examine the extent to which gift will be operative under Indian Succession Act, 1925, Transfer of Property Act, 1882 and Muslim Law.
15. A Muslim woman M dies leaving a Will under which he gave Rs 60,000 to X and Rs 45,000 to Y and Rs 30,000 to Z. His Total assets were worth 1,50,000. His funeral expenses and debts were of Rs.15,000.The woman is survived by her Husband, Mother and daughter. Discuss the legacy with specific shares of each person.
16. A male Hindu Intestate leaving behind his father(F), mother (M) , paternal uncle (U) paternal grandfather (PG) ,widow (W) , two daughters(D1 and D2) ,widow of a predeceased son (SW) and two sons of a predeceased daughter. (DS1 and Ds2) Demarcate the shares as per Hindu Succession Act, 1956.

Annexure-I

SUNNI /SHIA LAW OF INHERITANCE

Table of sharers

Sharers	Normal Share		Conditions under which the normal share is inherited	Variation of shares
	When only one heir is present	When two or more heirs are present		
Husband	$\frac{1}{4}$		In the presence of a child or child of a son how low so ever	$\frac{1}{2}$ in absence of a child or child of a son how low so ever
Wife	$\frac{1}{8}$	$\frac{1}{8}$	In the presence of a child or child of a son how low so ever	$\frac{1}{4}$ in absence of a child or child of a son how low so ever
Daughter	$\frac{1}{2}$	$\frac{2}{3}$	In the absence of a son.	In presence of a son she becomes a residuary
Father	$\frac{1}{6}$		In the presence of a child or child of a son how low so ever	In absence of a child or child of a son how low so ever the father inherits as a residuary .
Mother	$\frac{1}{6}$		In the presence of a child or a child of a son how low so ever, or two or more brothers or sisters, or even one full, consanguine or uterine brother	$\frac{1}{3}$ in the absence of a child or child of a son how low so ever, and not more than one brother or sister (if any); but if the wife or husband and

			and one such sister.	the father, is also present, then only $\frac{1}{3}$ of what remains after deducting the share of the spouse.
True grandfather	$\frac{1}{6}$		In the presence of a child or child of a son how low so ever, and in absence of the father or a nearer true grandfather.	In absence of a child or child of a son how low so ever, the true grandfather inherits as a residuary , provided there is no father or nearer true grandfather.
True grandmother	$\frac{1}{6}$	$\frac{1}{6}$	A maternal true grandmother takes in absence of a mother, and a nearer true grandmother and a paternal true grandmother takes in absence of a mother, father, a nearer true grandmother and an intermediate true grandfather.	
Son's daughter how low soever	$\frac{1}{2}$	$\frac{2}{3}$	In absence of a son, daughter, a	In absence of a son, higher

			higher son's son, higher son's daughter, or an equal son's son.	son's son, or an equal son's son and when there is only one daughter, or higher son's daughter the daughter or higher son's daughter will take 1/2 and the son's daughter how low so ever (whether one or more) will take 1/6.
Son's daughter	1/2	2/3	In absence of a son, daughter, or son's son	In absence of a son or son's son and in presence of a only one daughter the son's daughter (whether one or more) will take 1/6. (In presence of a son's son, she becomes a residuary .)
Son's Son's Daughter	1/2	2/3	In absence of a son, daughter, son's son, son's daughter, or a son's son's son.	In absence of a son, son's son or son's son's son and in presence of only daughter or son's daughter, the son's son's daughter

				(whether one or more) will take 1/6. (In presence of a son's son's son she becomes a residuary .)
Uterine brother Uterine sister	1/6	1/3	In absence of a child, child of a son how low so ever, father or true grandfather.	
Full sister	1/2	2/3	In absence of a child, child of a son how low so ever, father, true grandfather, full brother.	In presence of a full brother she becomes a residuary .
Consanguine sister	1/2	2/3	In absence of a child, child of a son how low so ever, father, true grandfather, full brother, full sister, or consanguine brother.	When there is only one full sister and she succeeds as a sharer, the consanguine sister (whether one or more) will take 1/6, if she is not otherwise excluded. (With the consanguine brother she becomes a residuary).

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Semester – IV

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Section A [2.5x4 = 10]

Write Short notes on the following:

1. Coparcenary
2. Hindu Endowments
3. Doctrine of Pious Obligation
4. Privileged will
5. Rule of Primogeniture

Section B [10x 2]

Attempt any two questions

6. Every law of succession defines the rules of distribution of property in case a person dies without making a will.” Explain rules governing Christians and Parsis.
7. Explain the general rules of inheritance and exclusion under Muslim Law.
8. Define Wakf. Discuss its essential elements and formalities for the creation of Wakf.

Section C [10x 2]

Attempt any two questions

9. “An unconditional transfer of certain existing movable or immovable property made voluntary and without consideration by one person to another”. Explain.

10. Will is a legal declaration of the intention of the testator with respect to his property which he desires to be carried into effect after his death.” Explain the statement and compare the Hindu and Muslim Laws
11. “A right which the owner of an immovable property possess to acquire by purchase another immovable property which has been sold to another person.” Elucidate.

Section D [12.5x4]

Attempt all questions

12. W a Hindu Widow got a house as limited owner under a decree of the Court in lieu of her maintenance out of Joint Family Property in 1950. Now she wants to make a gift of the house in favour of her brother .Can she do so. Explain in the light of Hindu Succession Act, 1956.
13. ‘A’ and his brother ‘B’ and ‘C’ are the members of a joint Hindu family. ‘A’ sues ‘B’ and ‘C’ for partition. After the suit but before the decree, ‘A’ dies leaving the widow. Can who continue the suit, if so? If not, whether ‘B’ and ‘C’ will get ‘A’s share by survivorship?
14. A is suffering from Cancer .When he comes to know about it he makes a gift of all his property in favour of his wife .Six months later he died .Examine the extent to which gift will be operative under Indian Succession Act, 1925, Transfer of Property Act, 1882 and Muslim Law.
15. A Muslim woman M dies leaving a Will under which he gave Rs 60,000 to X and Rs 45,000 to Y and Rs 30,000 to Z. His Total assests were worth 1,35,000. The woman is survived by her Husband, Mother and daughter. Discuss the legacy with specific shares of each person.
16. Farhaan is the owner of a house, which is in adverse possession of Karan. Farhaan by a registered deed makes a gift of that house to Salim .Shortly thereafter Farhaan dies. Salim makes an application to the court for recovery of possession of the house from Karan. Karan argues that the gift is invalid. Examine the validity of gift.

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Wife	$\frac{1}{8}$	$\frac{1}{8}$	In the presence of a child or child of a son how low so ever	$\frac{1}{4}$ in absence of a child or child of a son how low so ever
Daughter	$\frac{1}{2}$	$\frac{2}{3}$	In the absence of a son.	In presence of a son she becomes a residuary
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Mother	$\frac{1}{6}$		In the presence of a child or a child of a son how low so ever, or two or more brothers or sisters, or even one full, consanguine or uterine brother	$\frac{1}{3}$ in the absence of a child or child of a son how low so ever, and not more than one brother or sister (if any); but if the wife or husband and

			and one such sister.	the father, is also present, then only 1/3 of what remains after deducting the share of the spouse.
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True grandmother	1/6	1/6	A maternal true grandmother takes in absence of a mother, and a nearer true grandmother and a paternal true grandmother takes in absence of a mother, father, a nearer true grandmother and an intermediate true grandfather.	
Son's daughter how low soever	1/2	2/3	In absence of a son, daughter, a	In absence of a son, higher

			higher son's son, higher son's daughter, or an equal son's son.	son's son, or an equal son's son and when there is only one daughter, or higher son's daughter the daughter or higher son's daughter will take 1/2 and the son's daughter how low so ever (whether one or more) will take 1/6.
Son's daughter	1/2	2/3	In absence of a son, daughter, or son's son	In absence of a son or son's son and in presence of a only one daughter the son's daughter (whether one or more) will take 1/6. (In presence of a son's son, she becomes a residuary.)
Son's Son's Daughter	1/2	2/3	In absence of a son, daughter, son's son, son's daughter, or a son's son's son.	In absence of a son, son's son or son's son's son and in presence of only daughter or son's daughter, the son's son's daughter

				(whether one or more) will take 1/6. (In presence of a son's son's son she becomes a residuary .)
Uterine brother Uterine sister	1/6	1/3	In absence of a child, child of a son how low so ever, father or true grandfather.	
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