

Name:	 UPES UNIVERSITY WITH A PURPOSE
Enrolment No:	

UNIVERSITY OF PETROLEUM AND ENERGY STUDIES

End Semester Examination, December 2019

Course: Family Law- II

Semester: V

Program: BA.LLB (Hons.) Energy Laws

Time: 03 hrs.

Course Code: CLCC 3007

Max. Marks: 100

Instructions: All questions are compulsory.

SECTION A

S. No.		Marks	CO
Q 1	Write short notes: a. Mutawalli b. Pious obligation c. Privileged wills. d. Stridhan e. Gift under Transfer of property Act.	2x5=10	1 & 3

SECTION B

Q 2.	What are the essential features of Mitakshara Coparcenary Family?	5	2
Q 3.	Discuss the powers of Karta to alienate Joint Family Property.	5	2
Q 4.	Define Wakf? What are the essential of creating a wakf?	5	4
Q 5.	Define Pre-emption. What are the essential formalities of pre-emption.	5	4

SECTION-C

Q 6.	Analyze the following problem and answer the questions: Harish a Hindu male member of a undivided family died in 2010 leaving behind his two sons, one unmarried daughter and one married daughter. a. Distribute his property and give reasons for your answer. b. What are the general rules of succession when a male dies Intestate.	10	1 & 2
Q 7.	Analyze the following problem and answer the questions: Abdul (a Sunni Muslim) is suffering from blood cancer and is bed-ridden. When he comes to know of it, he gave all his property in favor of his wife. Six months later he dies. His legal heir challenges the gift (hiba). a. Will the legal heirs of Abdul succeed? b. Discuss the essentials of gift under muslim law highlighting the limitations.	10	1

SECTION-D

Q 8.	Decide the following questions and give reasons (citing relevant provisions if applicable) for your answer:	5x5=25	1, 2 &4
	a. A by his Will (unprivileged) gives a legacy of Rs.1000 to B, who is one of the attesting witnesses. Whether the Will is valid? b. Rahim (a muslim) had a property amounting to Rs.50,000. He gives half of the property through Will to his friend Rahul. Whether the will is valid? c. A who is not a muslim says in the presence of B & C , 'I revoke my will' Whether the will is revoked? d. Aziz had two sons Ashraf & Rashid and a daughter Mumtaz. Rashid died during the lifetime of his father leaving behind his son Ghulam. What will be the shares of the descendants of Aziz under Sunni Law.		

	<p>e. Ayesha (a sunni muslim) dies leaving behind her husband, mother, son and daughter. Determine the shares of the descendants of Ayesha.</p>		
Q. 9	<p>Decide the following:</p> <p>a. Can a minor coparcener enforce partition?</p> <p>b. Can a after born son ask for reopening of partition?</p> <p>c. A a Sunni, has a son S and a grandson G by S. S negligently causes the death of A. Can S succeed to the estate of A? Would it make any difference if the parties were governed by the Shia law?</p> <p>d. A Sunni Muslim, writes a letter shortly before his death and containing directions as to the disposition of his property. It was neither signed nor attested. Is the will valid? Give reasons.</p> <p>e. A a Hindu who is deaf and dumb makes a unprivileged will. Whether the will is valid?</p> <p>f. A makes a gift to B of wheat that may be produced on his farm next year. Is this gift valid?</p> <p>g. Shubham was conceived at the time of partition but was born after partition. What will be the effect on partition?</p>	3x7=21	1, 2 &3
Q 10.	<p>Analyze following problem and answer:</p> <p>The Karta of a Mitakshara Joint Hindu family sells the joint Hindu property without the consent of other coparceners for the purposes of constructing the ancestral home in which they were residing jointly which was in a deteriorating condition.</p> <p>Comment whether the sale is valid? Give reasons for your answer.</p>	4	1 &2

TABLE OF SHARERS⁴¹

Sharers	Share	Conditions under which the share is inherited	Whether excluded or converted into a residuary
1. Husband	1/4	When there is a child or child of a son h.l.s.	Excluded by none.
	1/2	When there is no child or child of a son h.l.s.	
2. Wife (one or more)	1/8 ⁴²	When there is a child or son's child h.l.s.	Excluded by none.
	1/4	When no child or son's child.	
3. Daughter	1/2	If one } When there is no son. If two } or more	Excluded by none.
	2/3		
4. Son's daughter	Residue		Converted into a residuary if there is a son or two or more sons.
	1/2	If one } When there is no son, or son's son	Excluded by (i) son or son's son of higher grade, (ii) two or more daughters or by two or more son's daughters of higher grade, (iii) Or by one daughter together with two or more son's daughters of higher grade.
	2/3	If two } Or one or more daughters or higher son's daughter.	
	1/6	When there is a daughter or higher son's daughter.	Converted into a residuary by son's son of equal or even lower grade.
Residue			
5. Father	1/6	When there is a son or son's son (h.l.s.)	Excluded by none.

Sharers	Share	Conditions under which the share is inherited	Whether excluded or converted into a residuary
	1/6 plus Residue Residue	When there are one or more daughters, son's daughters and there is no son nor son's son. When no child nor son's child h.l.s.	In this case the father is a sharer and also a residuary. Converted into residuary in the absence of any child.
6. Mother	1/6 1/3 1/3 of Residue	When there is a child or son's child (h.l.s.) or two or more brothers or sisters whether full blood or half and whether they inherit or are excluded or there is a brother and sister and the father. When there is no child nor son's child and not more than one brother and sister. When there is a wife or husband and the father.	Converted into a residuary by the father.
7. True grandfather	1/6 1/6+ Residue Residue	When there is a child or son's child (h.l.s.) and no father or nearer true grandfather. When with daughters or only son's daughters. When no child nor son's child.	Excluded by the father or nearer true grandfather. Converted into a residuary if there is no descendant sharer or residuary.
8. True grandmother	1/6	When no mother and no nearer true grandmother.	Paternal true grandmother excluded by father or by a true grandfather. Any true grandmother is excluded by mother or by nearer true grandmother, whether paternal or maternal. Not a residuary.
9. Full sister	1/2 2/3	If one } If two } or } more } When no child or son's child	Excluded by son or son's son (h.l.s.) father or true grandfather. Also excluded as sharer by one or more daughters or son's

Sharers	Share	Conditions under which the share is inherited	Whether excluded or converted into a residuary
		(h.l.s.) or father or brother. Residue	daughters. Converted into residuary by full brother, that is when with one or more full brothers subject to not being excluded or when with one or more daughters or son's daughters and no excluder, the full sisters one or more become residuaries with daughter i.e., they take the residue after deducting the shares of daughters.
10. Consanguine sister	1/2 2/3 1/6 Residue	If one When no child If two or son's child or (h.l.s.) father or more brother or full sister. When with one full sister only, (the sister takes 1/2 and consanguine sister takes (2/3 - 1/2 = 1/6).	Excluded by son or son's son, father or true grandfather or by full brother or by full sister when she is a residuary. Also excluded by one or more daughters or son's daughters or by two or more full sisters. Converted into residuary by a consanguine brother. When there are one or more daughters, or son's daughters and no excluder.
11. Uterine	1/6	If one When no	Excluded by son or son's
12. Brother or sister	1/3	If two or more or child or son's child (h.l.s.) or father, (h.h.s.)	son, father or true grandfather, daughter or son's daughter. Never converted into a residuary.