

HIGH COURT OF JUDICATURE AT BOMBAY
(APPELLATE SIDE)
WRITTEN EXAMINATION
FOR THE POST OF JUDGE, FAMILY COURT

Date: 10 th December 2023	Total Marks : 100
Time: 11.00 a.m. to 2.00 p.m.	

INSTRUCTIONS

1. All Questions are compulsory.
2. Figures to the right indicate marks.

Q.1. Write a judgement by using your own imagination on the following facts (20) after mentioning bare necessary facts and presuming that necessary witnesses were examined and relevant documents have been produced. Do not mention any names other than those given in the question and if necessary to mention names of witnesses, refer them as PW-1.... or RW-1...., as the case may be, without mentioning any name. The case may be presumed to have been filed in the Family Court at Amravati.

Husband's Pleading

The marriage of Mr. 'H' an Assistant Teacher and Miss 'W' was solemnized at Anjangaon-Surji, District Amravati on 08/08/2001. After marriage, 'W' resumed cohabitation at the house of 'H' at Buldana. W is also qualified and completed her post-graduation and was desiring to do a teacher's job. As per her desire 'H' was searching a suitable job for her. 'W' was threatening that she would not beget a child, till she secures a job. In the meantime, 'W' delivered a male child 'T', on 14/06/2002. After birth of the child, 'W' again started harassing 'H' on the count that she wants to start her tuition classes at Mehkar. Therefore, on 01/10/2002

‘H’ shifted to Mehkar along with W and son T. Though he shifted to Mehkar, ‘W’ did not start tuition classes on the pretext that her son is infant and she has to look after him. In May 2004, ‘W’ was four weeks pregnant, but she was not ready to carry her pregnancy and insisted for terminating the pregnancy. ‘H’ was not ready and sought intervention of his mother in law who requested to send ‘W’ to her parental home. ‘W’ quarrelled with him and went to her parents with their son. She did not contact ‘H’ and even did not respond to his communications. She did not allow ‘H’ to meet their son on his birthday, even though he requested her. On her request ‘H’ went to fetch her at her parental home but her father refused to send her back and even ‘W’ agreed with her father. His multiple attempts to fetch her back, failed. In the meantime, ‘W’ secured employment as an Assistant Teacher and T was also admitted in a School at Anjangaon Surji. ‘W’, has deserted him and treated him with cruelty and hence the petition for divorce, which has been filed in the year 2013.

Wife’s Pleading

She denied all averments and allegations. She was not treated well by ‘H’ as well as her in-laws and sisters of H. She alleged that neither the petitioner nor his family members turned up to see her and the new born child. Since 2004 the differences started between her and ‘H’ due to which she was constrained to stay at her parental house. ‘H’ had not made any provision for her and her son’s livelihood. Therefore, she secured employment in *Ashram Shala* at village Bahiram in order to maintain herself and her son. ‘H’ and his sisters were suspecting her character and, therefore, she was constrained to leave matrimonial house. She denied that ‘H’ had taken several efforts to fetch her back for cohabitation. She is always ready and willing to cohabit with him.

Q.2 Explain any one (10)

- (a) Concept of 'Legal Disability' as per the Limitation Act, 1963, its effect on one of several persons and special exceptions to the concept of 'Legal Disability'.
- (b) What is the period of limitation for following actions and when the time begins to run -
 - (1) suit to recover movable property pawned and afterwards bought from pawnee for a valuable consideration.
 - (2) suit to set aside a transfer of property made by the guardian of a ward, by the ward's legal representative when the ward dies within three years from the date of attaining majority.
 - (3) suit to set aside a transfer of property made by the guardian of a ward, by the ward's legal representative when the ward dies before attaining majority.
 - (4) suit by a Hindu governed by Mitakshara law to set aside his father's alienation of ancestral property.
 - (5) an application to record an adjustment or satisfaction of a decree.

Q.3 Answer any one- (10)

- (a) Conditions under the Special Marriage Act, 1954 for registration of marriages celebrated in forms other than the said Act and effect of registration of marriages under the said Act.
- (b) What are the grounds on which a Muslim woman can seek dissolution of marriage, under the codified law?

Q.4 Answer any **one**- (10)

- (a) Explain the concept of 'Uniform Civil Code' and discuss its implications on the laws relating to (i) marriage (ii) divorce (iii) inheritance and (iv) succession.
- (b) Write an analytical note on Supreme Court's judgment dated 17.10.2023 in *Supriyo @ Supriya Chakraborty & Anr. Versus Union of India (2023 INSC 920)*.

Q.5 Answer any **one** of the following: (10)

- (a) Explain the concept of 'relationship in the nature of marriage' as per the provisions of the Protection of Women from Domestic Violence Act, 2005, with special reference to authoritative judicial pronouncements.
- (b) Relaxation of '*locus standi*' rule for offences and proceedings arising out of marriage and its justification.

Q.6 Write a note on **any one** of the following: (10)

- (a) Shared Parenting and Parental Alienation Syndrome.
- (b) Relevancy of foreign judgment, presumption thereto and conclusiveness thereof.

Q.7. Write a note on any **one** of the following: (10)

- (a) Presumption(s) as per the Evidence Act, 1872, qua following records / documents- (**answer any five**)
 - (1) Gazette in electronic form
 - (2) electronic agreement
 - (3) electronic records
 - (4) electronic signature certificate
 - (5) electronic messages

- (6) five years old electronic records
- (7) electronic signatures

(b) Presumption of legitimacy and scope of power of Court to compel DNA testing for determining legitimacy.

Q.8 Write a note on any **one** of the following: (10)

- (a) Evolution of Hindu Women's Right to Property.
- (b) Rules of succession as per the Hindu Succession Act, in case of (a) a murderer (b) descendant of a convert from Hinduism (c) disqualified heir (d) diseased heir (e) absence of any heir.

Q.9 Answer any **one** (10)

- (a) Discuss the circumstances in which guardian in respect of property of minor can be appointed or declared by the Court and his obligations.
- (b) Distinguish between-
 - (i) 'divorce' and 'judicial separation'.
 - (ii) standard of proof of 'adultery' as a ground for divorce and in criminal prosecution.
