

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

Date : 07.10.2018

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 won imagination on the following facts after mentioning bare necessary facts and presuming that necessary witnesses were examined and relevant documents have been produced. **(20)**

It is the case of the petitioner(husband) that his marriage with the respondent(wife) was scheduled on 01.01.2018, but on that day quarrel took place between the parties and the marriage was postponed. On the next day one social worker intervned and compelled the petitioner to come to a temple. The respondent was already present. Media and photographer were also present. Photographs showing that the petitioner and the respondent are marring were forcibly taken. He was forced to sign on blank Marriage Registration Form. No rituals of Hindu marriage including *Saptapadi* were performed. As per the petitioner the marriage was forced upon him without his free will and consent. He thus filed petition for declaration that the marriage is nullity U/s 12(1)(c) of the Hindu Marriage Act, 1955.

The respondent (wife) appeared and contended that on 01.01.2018 the petitioner and his relatives demanded Rs. 5 lakh and as the respondent's father was not able to fulfill the demand, the petitioner called off the marriage. The matter was reported to Police. It is thereafter the petitioner himself expressed his desire to marry with respondent at the temple and

accordingly, on the next day their marriage was solemnized with the free will and the consent of the petitioner. As per respondent seven *pheras* (फेरे) were taken around burning *agarbattis* (incense sticks) and she had also co-habited with petitioner for four months after the marriage.

Both the parties led evidence. The Petitioner examined himself, his mother and his friend, whereas the respondent examined herself alongwith the priest who performed the marriage and her two relatives. Photographs of both parties garlanding each other were also placed on record.

Q.2. Write a note on **any one** of the following: (10)

- a) With reference to the Hindu Marriage Act 1955, how do you understand the terms “Void Marriages” and “Voidable Marriages”?
- b) What are the grounds for decree of dissolution of marriage under the Dissolution of Muslim Marriage Act 1939 for a woman married under Muslim Law?

Q.3. Elaborate the concept of ‘mental cruelty’ specifically in case of unfounded scandalous allegations against spouse made in the pleadings, by filing of false complaints, etc. (10)

Q.4. Critically examine the concept of irretrievable breakdown of marriage. Can the Courts invoke this concept for granting divorce under the provisions of the Hindu Marriage Act, 1955? (10)

Q.5. Write a note on **any one** of the following : (10)

- a) Elaborate the expressions ‘Shall presume’, ‘May presume’ and ‘Conclusive proof’ in the context of the Indian Evidence Act, 1872.
- b) Monitory Reliefs and Compensation orders under the Protection of Women from Domestic Violence Act, 2005.

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

- a) What is the difference between set-off and counter-claim?
- b) Attachment before Judgment.

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

- a) What is the law of plea bargaining and its applicability and relevancy in India?
- b) Legal Disability, with reference to provisions of the Limitation Act 1963.

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

- a) Rights of the illegitimate child to claim maintenance under the Code of Criminal Procedure?
- b) Testamentary guardians and their powers under Hindu Minority and Guardianship Act, 1956.

Q.9. Write a note on admissibility of electronic record with reference to provisions of the Indian Evidence Act, 1872. **(10)**
