

ALL-IN-ONE PAPERATHON

FAMILY LAWS

Hindu Law
&
Muslim Law

Prelims MCQs,
Mains & Interview Questions

ENGLISH EDITION



Linking Publication

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Preface

Hello & नमस्कार,

Since 2011, when I entered in Law field, I have felt that current system of studying law as a Law learner is quite traditional (like 1980's competition times). I strongly believed one thing that if you want to fight in present tough competition war like judiciary exams or any other law exam, you must be equipped with smart techniques to learn with tech support. So, in student life as LL.B. student, I used to start linking with one provision other similar provisions at same time, so that I can recall multiple sections/concepts in one MCQs.

Along with that I do believe in one statement, "वर्तमान को समझने के लिए, अतीत को देखें और फिर भविष्य के बारे में सोचना शुरू करें". This statement is directly linked with every student life. So, I found previous papers helpful to understand previous exam level, source of question asked in those exam etc. But frankly saying, I was not satisfied with traditional way of just solving previous exam papers MCQs, instead I decided that to get better output in preparation, we need to analysis the previous paper subject wise rather year wise.

All these ideas, efforts, and experiences have come together in one powerful initiative—"Paperathon." It's not just a study tool; it's a movement towards smarter, sharper, and Subject wise strategic judiciary preparation. It is featured with the Linking Technique—a modern, game-changing approach that connects concepts, laws, and real-world application like never before.

In **Prelims**, you'll get linked provisions with clear explanations, helping you master the 'why' behind every question. In **Mains**, you'll learn how to write answers that don't just inform but impress—through linking-based structure and analysis. And for the **Interview**, Paperathon brings you exclusive, real-time Questions & Answers straight from those who've cracked it—now proudly serving as Civil Judges across various states.

This is more than preparation—it's transformation. And I truly believe Paperathon will save you time, boost your confidence, and help you walk into every stage of the exam with clarity, strategy, and a winning edge.

"Don't just prepare. Link your preparation with purpose, precision, and power."

With belief in your journey,

- Tansukh Paliwal

Founder of Linking Laws

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Part - I

Prelims MCQs



HINDU LAWS

Nature of Hindu Law

1. In ancient time, seeds of the institution of marriage lie in:

- (a) Man's quest to know the maternity of children
- (b) Man's quest to know the paternity of children
- (c) Both (a) and (b)
- (d) None of the above

[UK PCS(J) 2023]

Ans [b]

Explanation- In ancient India, marriage was a medium for bringing together the two distinct halves of life, man and woman. At some stage of human development, the need arises to know human belongings and the males should know about their children. It is possible to define the paternity if sex relationship can be converted into an exclusive union of men and women. Therefore, it can be said that the man's search to know the paternity of children becomes the seed of the institution of marriage.

2. Under the Constitution of India, all aspects relating to family law are in the-

- (a) Union list
- (b) State list
- (c) Concurrent list
- (d) None of these

[UK PCS(J) 2016]

Ans. [c]

Linked Provision- List III schedule VII COI.

Explanation- All aspects relating to family law are in the concurrent list i.e. III list of 7th schedule- entry no. 5 of the constitution and both Parliament and the state legislatures have the power to legislate in respect of them.

3. The 'Dayabhaga school of Hindu Law fundamentally differs from 'Mitakshra' school of law in the matter of

- (a) Guardianship
- (b) Inheritance and partition
- (c) Stridhan
- (d) Marriage

[UK PCS(J) 2016]

Ans. [b]

Explanation- On the basis of Succession, under the Mitakshara school, inheritance is governed by the rule of consanguinity, i.e., blood relationship, whereas under the Dayabhaga school inheritance is governed by the rule of spiritual efficacy.

4. SARDA Act was enacted to prevent which of the following?

- (a) Child Marriage
- (b) Sati
- (c) Dowry
- (c) Bigamy

[UK PCS(J) 2023]

Ans [a]

Explanation- Child Marriage Restraint Act, 1929 was passed on 28 September 1929. It is popularly known as the Sharda Act after its sponsor, Harbilas Sharda. It was passed with the planned mission of eradicating the evil of child marriage from the country. The legal age of marriage is currently 18 for boys and 21 for girls, as determined by the Prohibition of Child Marriage Act, of 2006, respectively.

5. Who among the following is the author of the famous word 'Mitakshara'?

- (a) Apararka
- (b) Bhoja
- (c) Vijnaneswara
- (d) Parasara

[UK PCS(J) 2018]

Ans. [c]

Explanation - Mitakshara is Vijnaneshwar's famous tika on Yajnavalkya Smriti.

There are two popular schools of thought in India regarding the law of Hindu succession -

1. Dayabhaga, which is prevalent in Bengal and Assam.
 2. Mitakshara, which is prevalent in the rest of India.
- According to Mitakshara branch every person has right by birth in the joint property of his family.

6. "Jimutavahana" is known for his work

- (a) Nirnaya Sindhu
- (b) Dayabhag
- (c) Dayatatva
- (d) Dattak Mimansa

[UK PCS(J) 2018]

Ans. [b]

Explanation - Dayabhaga by Jivamutvahana is a famous Hindu text, which mainly focuses on inheritance process.

7. The author of 'Dayabhaga' was

- (a) Jimutavahana
- (b) Vijnaneshwara
- (c) Vashishtha
- (d) Narada

[BJS 2020, UK PCS(J) 2022]

Ans. [a]

Explanation- Dayabhaga is written by jimutavahana. It was part of a digest of all the codes. It was part of a larger work titled "Dharamaratna" and is valuable work on the laws of inheritance and succession.

8. 'Mitakshara' is a commentary on

- (a) Manusmriti
- (b) Parashara Smriti
- (c) Narad Smriti
- (d) Yajnavalkya Smriti

[UK PCS(J) 2022, BJS 2018]

Ans. [d]

Sources of Hindu Law

17. Which out of the following is not modern source of Hindu Law?

- (A) Equity, Justice and good Conscience
- (B) Precedent
- (C) Legislations
- (D) Custom

[BJS 2009]

Ans. [D]

Explanation- In Hindu law, there are 2 kinds of sources i.e. Ancient and Modern.

- 1) **Ancient sources are-** Vedas/shruti, smritis, digest and customs.
- 2) **Modern sources are-** Equity & good conscience, judicial precedent & legislation.

18. The ancient source(s) of the Hindu Law is/are

- (a) Sruti
- (b) Smriti
- (c) Digest, commentaries and custom
- (d) All of the above

[BJS 2016]

Ans. [d]

Explanation- Sruti, Smriti, and Custom are the three primary ancient sources of Hindu law. Commentaries and digests, in addition to these three texts, are considered ancient sources of Hindu law.

Schools of Hindu Law

19. On matters where Dayabhaga is silent, what prevails ?

- (A) The local customs
- (B) The Smritis
- (C) The Shrutis
- (D) Mitakshara

[AIBE XIX – 2024]

Ans. (D)

Explanation:- When the Dayabhaga text is silent on a matter, the principles of Mitakshara law or local customs prevail.

- Dayabhaga is a code of Hindu inheritance law that focuses on the rights of heirs and distribution of property after death.
- Mitakshara is another Hindu law that governs inheritance, based on the Yajurvedic Smriti.
- In Mitakshara law, a son acquires an interest in ancestral property by birth.
- In Dayabhaga, a son does not automatically get a share of his father's inheritance while the father is alive.
- Commentaries on Mitakshara and Dayabhaga are also highly valued and can be used to resolve disputes.

20. Which of the following is entitled to enforce partition of the coparcenary property under Dayabhaga Law?

- (a) Every Coparcener, Adult or Minor
- (b) Every Coparcener, Male or Female
- (c) Every Adult Coparcener, Male or Female
- (d) Every Male Adult Coparcener

[UK PCS(J), 2025]

Ans. [c]

Explanation: - Every adult coparcener, whether male or female, is entitled to enforce a partition of coparcenary property under Dayabhaga Law, a right that is not restricted to the death of the owner and for which no reason is needed to be stated. In a Dayabhaga system, all inheritances are considered "obstructed" because the son only acquires an interest in the property upon the father's death, not by birth, and therefore the son is not entitled to partition of coparcenary property against his father.

21. Who may be Karta of the Hindu Joint family?

- (a) Son
- (b) Daughter
- (c) Father
- (d) All of the above

[UK PCS(J), 2025]

Ans. [d]

Explanation: - Under Hindu Law, the Karta is the manager, head, and representative of a Hindu Undivided Family (HUF). Traditionally, the eldest male coparcener was the Karta, but modern interpretations (especially after 2005) have expanded eligibility. Any coparcener (male or female, typically the eldest) can be Karta of a Hindu Joint Family.

So, the Karta can be:

- Father
- Son
- Daughter (if a coparcener)
- Any coparcener with consent (in exceptional cases)

HINDU MARRIAGE ACT, 1955

Preliminary (1-4)

22. Hindu Marriage Act, 1955 applies on which of the following ?

- (a) Only on Hindu by religion
- (b) Only on person who is Sikh or Jain by religion
- (c) Illegitimate child whose parents are Jain by religion
- (d) All of the above

[UK PCS(J), 2025]

Ans. [d]

Explanation: - The Hindu Marriage Act, 1955 applies to a wide range of people as specified under: Section 2(1) of the Hindu Marriage Act, 1955: This Act applies to:

- 1. **Any person who is a Hindu by religion** — including Vira Shaiva, Lingayat, or follower of Brahma, Prarthana, Arya Samaj.
- 2. **Any person who is a Buddhist, Jain, or Sikh by religion.**
- 3. **Any other person who is not a Muslim, Christian, Parsi, or Jew,** and who is not governed by any other law.
- 4. **Children — whether legitimate or illegitimate** — if both parents are Hindus, or one is and the child is raised as a Hindu.

23. As per The Hindu Marriage Act, 1955, two persons are said to be within the "degrees of prohibited relationship" if:

- I. one is a lineal ascendant of the other, including relationship by adoption.
- II. one was the wife or husband of a lineal ascendant or descendant of the other, including relationship by half or uterine blood as well as by full blood.
- III. one was the wife of the brother or of the father's or mother's brother or of the grandfather's or grandmother's brother of the other.
- IV. the two are brother and sister, uncle and niece, aunt and nephew, or children of brother and sister or of two brothers or of two sisters.

Select the correct answer.

- (A) I, III and IV
- (B) III and IV
- (C) II, III and IV
- (D) I, II, III and IV

[AIBE XX - 2025]

Ans[D]

Linked Provision: Hindu Marriage Act, 1955 — Section 3(g) (definition of "degrees of prohibited relationship").

Explanation: Section 3(g) of the Hindu Marriage Act, 1955 defines "degrees of prohibited relationship" to include all of the following categories:

- I — One is a lineal ascendant of the other (including relationships by adoption).
- II — One was the wife or husband of a lineal ascendant or descendant of the other (including half-blood or uterine-blood relations).
- III — One was the wife of the brother, father's brother, mother's brother, grandfather's brother, or grandmother's brother of the other.
- IV — The two are brother and sister, uncle and niece, aunt and nephew, or children of a brother and sister, or of two brothers, or of two sisters.

Since all four statements correctly reflect the categories set out in Sec. 3(g), the correct answer is: (D) I, II, III and IV.

24. Under Section 2 of the Hindu Marriage Act, 1955 who among the following is not a Hindu?

- (a) Christian
- (b) Parsi
- (c) Jew
- (d) All of the above

[UK PCS(J) 2023]

Ans [d]

Linked Provision- Sec.2 HMA.

Explanation- Sec.2 deals with the applicability of the Act. It provides that HMA applies to any person who is a Hindu by religion, including a Virashaiva, a Lingayat or a follower of the Brahma, Prarthana or Arya Samaj, or who is a Buddhist, Jaina or Sikh by religion. A person who is Hindu, Buddhist, Jain or Sikh by religion is Hindu and not includes who is Muslim, Christian, Parsi or Jew by religion.

25. The Hindu Marriage Act, 1955 is not applicable to:

- (a) a follower of the Brahma Samaj.
- (b) the person, who is a Sikh by religion.
- (c) any person, who is a convert to the Hindu religion.
- (d) the members of any Scheduled Tribe.

[BJS 2009, RJS 2016, UK PCS(J) 2023]

Ans. [d]

Linked Provisions :-

- 1. **Article 366(25)/338A/342** - Scheduled Tribes and Tribes Commission (Indian Constitution).
- 2. **Section 2** - Application of the Hindu Succession Act, 1956.
- 3. **Section 3** - Application of the Hindu Minors and Guardians Act, 1956.
- 4. **Section 2** - Application of the Hindu Adoption and Maintenance Act, 1956.

Explanation- Sec.2 deals with the applicability of the Act. It provides that HMA applies to any person who is a Hindu by religion, including a Virashaiva, a Lingayat or a follower of the Brahma, Prarthana or Arya Samaj, or who is a Buddhist, Jaina or Sikh by religion.

Concept of Muslim Law

1. **Muslim Law does not apply to which of the following?**

- (a) Gifts
- (b) Maintenance
- (c) Just and Trust Properties
- (d) Succession to agricultural land

[UK PCS(J) 2018]

Ans. [d]

Explanation- Matters concerning agriculture land, charities, charitable institutions and charitable organization and religious endowments are excluded from the purview of Muslim Law.

2. **Jurisdiction of Family Court applies to which of the following community?**

- (a) Lingayat
- (b) Muslims
- (c) Buddhists
- (d) All of these

[UK PCS(J) 2018]

Ans. [d]

Explanation- Jurisdiction of Family Court extends to Lingayats, Muslims and Buddhists also.

3. **The Sunni Law does not recognise -**

- (a) Sahi (Valid) Marriage
- (b) Muta (Temporary) Marriage
- (c) Fasid (Irregular) Marriage
- (d) Batil (Void) Marriage

[BJS 2020, UK PCS(J) 2022]

Ans.[b]

Explanation- Muta marriage is a temporary marriage. Muta marriage is recognized in Shia only. Sunni law doesn't recognize it. A Shia of the male sex may contract a Muta marriage with a woman professing the Mohammedan, Christian or Jewish religion, or even with a woman who is a fire worshipper but not with any woman following any other religion. But a Shia woman cannot contract a Muta marriage with a non-muslim.

4. **Where the person who performed "Nikah" is dead, the proof of marriage will be given by the:**

- (a) Husband
- (b) Wife
- (c) Witness
- (d) Guardian

[UK PCS(J) 2014]

Ans. [c]

Linked provision :-

1. **Marriage / Nikah** - Contract for legality of progeny and sexual intercourse.

2. **Mehar.**

3. **Essential elements of Nikah** - **a)** Offer and acceptance, **b)** Presence of parties, **c)** Same meeting, **d)** Present parties, **e)** Proper witness, **f)** Absence of legal disqualification.

Explanation - A valid contract of marriage between the parties may be proved by the witnesses.

5. **"Khiyar-ul-bulug" means:**

- (a) Option of puberty
- (b) A form of power
- (c) A form of valid marriage
- (d) Infidelity

[UK PCS(J) 2014]

Ans. [a]

Explanation - Khiyar ul Bigul - "Option of Puberty" - When a boy or a girl is married by his legal guardian in his infancy or when he attains majority, he has the option of ratification or annulling the marriage.

6. **Under Muslim Law, in the matter of marriage, if there is a conflict between the views of minor and guardian, the law gives priority to:**

- (a) Minor
- (b) Guardian
- (c) State
- (d) Court

[UK PCS(J) 2014]

Ans. [b]

Explanation - In Muslim law, the age of marriage is considered to attain puberty, if the party to the marriage is a minor, then the guardian will have the right on all matters related to marriage and in case of difference, the opinion of the guardian will be given priority.

7. **A Sunni marriage without witnesses is -**

- (a) void
- (b) irregular
- (c) regular
- (d) None of these

[UK PCS(J) 2016]

Ans. [b]

Explanation- Nikah is a civil contract, which is made by parties for the sole purpose of benefiting themselves. Contracting of marriage must be done in the presence of proper and competent witnesses. Under the Shia law, presence of witness is not essential and marriage without witnesses is considered as valid while, under Sunni law, presence of witness is essential else the marriage would be irregular.

8. **If there is a stipulation on the part of the woman before marriage to forego all her rights to dower or even if she agrees to marry without any dower, the stipulation or agreement will -**

- (a) valid
- (b) void
- (c) voidable at the option of woman
- (d) invalid

[UK PCS(J) 2016]

Ans. [d]

Explanation- It is essentially an incident of the Muslim law of Marriage that even if there is stipulation on the part of the woman before marriage to forego all her right to dower, or even if she agrees to marry without any dower, the stipulation or agreement will be invalid.

Part - II

Mains Questions Solved



HINDU LAW

Previous Years' Questions of Mains Examinations

Sources of Hindu Law

1. Discuss the importance of custom as a source of Hindu law. Point out the essentials of a valid custom. Can a custom in derogation of a general rule be construed liberally by the court?

हिन्दू विधि के स्रोत के रूप में प्रथा के महत्व की चर्चा कीजिए। एक वैध प्रथा के आवश्यक तत्वों का उल्लेख कीजिए। क्या एक सामान्य नियम के अल्पीकरण में एक प्रथा को अदालत द्वारा उदारतापूर्वक समझा जा सकता है?

[BJS 2017]

Or

What are the essentials of a valid custom?

एक वैध प्रथा के आवश्यक तत्व क्या हैं?

[PJS 1995]

Or

Discuss the requirements of a valid custom.

एक मान्य रीति-रिवाज की आवश्यकताओं पर चर्चा करें।

[BJS 1986]

Ans. Custom as a Source of Hindu Law

I. Importance of Custom in Hindu Law

Custom (आचार / प्रथा) is one of the most ancient and authoritative sources of Hindu law. Even before codification, Hindu law largely evolved from usages and practices prevailing in different communities.

1. Historical Foundation

Early Hindu law was derived from Smritis and commentaries, but courts consistently recognized that a valid custom overrides the written texts. The Privy Council in **Collector of Madura v. Mootoo Ramalinga Sethupathi (1868)** affirmed that clear proof of usage outweighs textual law.

2. Recognition under Modern Statutes

Codified Hindu law continues to recognize custom:

- Section 3(a) of the **Hindu Marriage Act, 1955** defines custom and usage.
- Similar recognition is given in the **Hindu Succession Act, 1956** and other Hindu law enactments.

3. Supremacy of Custom

A valid custom can:

- Override general Hindu law.
- Modify or abrogate statutory provisions where the statute permits.
- Govern family, caste, tribal, or local practices.

4. Flexibility and Social Adaptation

Custom reflects social conditions and allows Hindu law to adapt to regional, caste, and family variations.

5. Judicial Recognition

The Supreme Court in **Thakur Gokal Chand v. Parvin Kumari** emphasized that custom must be ancient, certain, and reasonable.

Thus, custom remains a living and dynamic source of Hindu law.

II. Essentials of a Valid Custom

For a custom to have legal force, it must satisfy the following conditions:

1. Ancient (Antiquity)

It must be in existence from time immemorial (generally proved by long and continuous usage).

2. Continuous and Uninterrupted

The practice must have been consistently followed without substantial break.

3. Certain and Definite

The custom must be clear, unambiguous, and capable of precise definition.

4. Reasonable

It must not be arbitrary, oppressive, or immoral.

5. Not Opposed to Public Policy or Statute

A custom contrary to express statutory provisions (unless saved by the statute) is invalid.

6. Compulsory Observance

It must be observed as a matter of right, not mere convenience.

7. Proved by Clear Evidence

The burden of proof lies on the party alleging the custom. Courts require strict proof.

The Supreme Court in **Thakur Gokal Chand v. Parvin Kumari** held that customs must be proved with clarity and certainty and cannot be assumed.

ALL-IN-ONE: FAMILY LAWS (MAINS) PAPERATHON

Hindu Law

HINDU SUCCESSION ACT, 1956

Cha. II - Intestate Successio (5-29)

133. How does a Hindu joint family differ from a Mitakshara coparcenary? Can a Hindu female be a coparcener or a Karta of the joint family?

एक हिंदू संयुक्त परिवार एक मिताक्षरा सहृदायिकी से कैसे भिन्न होता है? क्या एक हिंदू महिला संयुक्त परिवार की कोपासर्नर या कर्ता हो सकती है ?

[PJS 2001]

Ans. Hindu Joint Family vs. Mitakshara Coparcenary

The distinction is best understood under classical Hindu law as modified by the Hindu Succession Act, 1956 (especially after the 2005 Amendment).

I. Hindu Joint Family

A Hindu Joint Family (HUF):

- Is a broader body consisting of all persons lineally descended from a common ancestor,
- Includes their wives and unmarried daughters,
- Exists by status, not by contract,
- May consist of even a single male member with female members.

It is a social and legal unit. Every coparcenary is a joint family, but every joint family is not necessarily a coparcenary.

Members include:

- Coparceners, and
- Other members (wives, widows, unmarried daughters).

II. Mitakshara Coparcenary

A Mitakshara coparcenary is a narrower body within a joint family.

Traditionally, it consisted only of:

- Male members up to four generations from the common ancestor.

Essential features:

- Right by birth in ancestral property,
- Unity of ownership and community of interest,
- Right to demand partition,
- Survivorship (before 2005 amendment).

Thus, coparcenary relates specifically to joint family property rights.

Key Differences

Hindu Joint Family	Mitakshara Coparcenary
Broad body	Narrow body
Includes females	Traditionally only males
Exists by status	Exists by birth in ancestral property
Not all members have right to demand partition	Coparceners have right to demand partition

Can a Hindu Female Be a Coparcener?

Yes.

By virtue of the Hindu Succession (Amendment) Act, 2005 (Section 6):

- A daughter of a coparcener becomes a coparcener by birth,
- She has the same rights and liabilities as a son,
- She can demand partition,
- She has equal rights in ancestral property.

The Supreme Court in Vineeta Sharma v. Rakesh Sharma clarified that:

- A daughter becomes a coparcener by birth,
- Her right is not dependent on whether the father was alive on 9 September 2005.

Thus, today, a Hindu female (daughter) is a coparcener in a Mitakshara joint family.

Can a Hindu Female Be a Karta?

Traditionally:

- Only the senior-most male coparcener could be Karta.

However, after the 2005 amendment:

- Since a daughter is a coparcener by birth,
- She can also become Karta if she is the senior-most coparcener.

In Sujata Sharma v. Manu Gupta, it was held that the eldest daughter, being a coparcener, can act as Karta of the HUF.

Thus, a Hindu female can now legally be both:

- A coparcener, and
- The Karta of a joint family, if she is the senior-most coparcener.

MUSLIM LAW

Previous Years' Questions of Mains Examinations

Concept of Muslim Law

1. What is dower (Meher) in Muslim Law and what are its various forms? Discuss the above explaining the Muslim widow's right of retention of husband's estate in lieu of her dower claim.

मुस्लिम कानून में मेहर क्या है और इसके विभिन्न रूप क्या हैं? मुस्लिम विधवा के दहेज के दावे के बदले पति की संपत्ति को अपने पास रखने के अधिकार की व्याख्या करते हुए उपरोक्त पर चर्चा करें।

[HJS 1988, Punj JS 1995, JIS 2017, UP PCS(J) 2018, BJS 2018]

Or

'State briefly the Muslim Law of Dower'. How far does it differ from the Hindu Law of Maintenance?

'दहेज के मुस्लिम कानून को संक्षेप में बताएं'। यह भरणपोषण के हिंदू कानून से कितनी दूर है?

A husband agrees to give his wife as Dower next years crops. The Wife files a suit to recover the same. Decide the suit.

एक पति अपनी पत्नी को अगले वर्ष की फसल को मेहर के रूप में देने के लिए सहमत होता है। पत्नी उसी की वसूली के लिए मुकदमा दायर करती है। सूट का फैसला करें।

[BJS 1977]

Or

Whether a husband can successfully sue his wife for restitution of conjugal rights when he has not paid the prompt Dower? Will it make any difference in you answer where she had the sexual intercourse with her free consent before such suit by her husband? Refer to leading decisions on the point.

क्या एक पति अपनी पत्नी पर वैवाहिक अधिकारों की बहाली के लिए सफलतापूर्वक मुकदमा कर सकता है जब उसने शीघ्र मेहर का भुगतान नहीं किया है? क्या इससे आपके जवाब में कोई फर्क पड़ेगा कि उसने अपने पति द्वारा इस तरह के मुकदमे से पहले अपनी स्वतंत्र सहमति से कहीं संभोग किया था? बिंदु पर प्रमुख निर्णयों का संदर्भ लें।

[JPS 2001, BJS 1987]

Or

Dower is the sum of money or other property, which the wife is entitled to receive from the husband in consideration of the marriage. Discuss fully and point out how and under what conditions the wife can remit the whole or part of her dower.

दहेज धन या अन्य संपत्ति का योग है, जिसे पत्नी विवाह के प्रतिफल में पति से प्राप्त करने की हकदार है। पूरी तरह से चर्चा करें और इंगित करें कि कैसे और किन परिस्थितियों में पत्नी अपने मेहर को पूरा या उसका हिस्सा दे सकती है।

[BJS 1978]

- (A) Explain what is 'Mehr' in relation to a Muslim marriage. Can its payment be deferred either wholly or in part? मुस्लिम विवाह के संबंध में 'मेहर' क्या है, समझाएं। क्या इसका भुगतान पूरी तरह या आंशिक रूप से आस्थगित किया जा सकता है?
- (B) Whether 'Mehr' can be termed as debt and thus a charge on the property of the husband? क्या 'मेहर' को ऋण के रूप में कहा जा सकता है और इस प्रकार पति की संपत्ति पर शुल्क लगाया जा सकता है?
- (C) Can the payment of the 'Mehr' be excused, if so, by whom? क्या 'मेहर' की अदायगी माफ की जा सकती है, यदि हां, तो किसके द्वारा?

Or

Draw distinction between the following: निम्नलिखित के बीच अंतर करें:

Stridhan and dower. स्त्रीधन और दहेज।

[HJS 2009]

Or

What is meant by "specified dower"? "निर्दिष्ट दहेज/मेहर" का क्या अर्थ है?

"Dower" is an invaluable right of a Muslim wife. Comment. What are different types of "dower"?

"दहेज/मेहर" एक मुस्लिम पत्नी का अमूल्य अधिकार है। टिप्पणी। "दहेज/मेहर" के विभिन्न प्रकार क्या हैं?

[DJS 2005]

Or

(a) What is dower? Specify the kinds of dower. / मेहर क्या है? मेहर के प्रकार बताइए।

(b) How can a claim for dower be satisfied? / मेहर का दावा कैसे पूरा किया जा सकता है?

[DJS 2015]

Or

Define proper dower, prompt dower and deferred dower. Discuss the nature of the right of dower and explain उचित मेहर, तात्कालिक मेहर और आस्थगित मेहर को परिभाषित कीजिए। मेहर के अधिकार की प्रकृति की विवेचना कीजिए और समझाइए when a widow can retain possession of her husband's property in lieu of dower.

जब कि विधवा मेहर के बदले अपने पति की सम्पत्ति पर अधिकार रख सकती है।

[UP PCS(J) 1985]

Or

Write note on prompt and deferred dower.

प्राप्त और आस्थगित दहेज पर टिप्पणी लिखिए।

Part - III

Interview Questions Solved



Hindu Laws

1. How many Acts are there in Hindu law?

Ans. Sir four Acts:

- (1) Hindu Marriage Act, 1955
- (2) Hindu Succession Act, 1956
- (3) Hindu Minorities and Guardianship Act, 1956
- (4) Hindu Adoption and Maintenance Act, 1956.

2. A Hindu is married in India. After a few years, he goes to America and marries there too. Will he be guilty of bigamy?

Ans. Yes Sir, Hindu law is not a local law. (Hindu Law is not a lex loci). This is personal law. The country in which the Hindu goes, he will be governed by Hindu law.

3. What amendment has been made in the Hindu Succession Act by the Hindu Succession (Amendment) Act, 2005?

Ans.

1. Sons and daughters have been given equal rights in coparcenary property. [Section 4 (ii)]
2. Son and daughters have been given the coparcenary right in property by birth. [Sec. 6]
3. Daughters whether married or unmarried they also got the right of share and to live likewise the son in the property of deceased. [Section 23]
4. If widow of son, widow of son's son, widow of brother (SW, SSW, BW) even if remarried, they are entitled to take the property in succession. [Section 24]
5. Women can make a will of part of the ancestral property and joint family property. [Section 30]

4. What is void marriage?

Ans. Marriage in the violation of condition of Section 5 sub-section 1, 4 and 5 are void marriage.

5. What are the conditions of void marriage?

Ans.

- (1) Either party of marriage are married.
- (2) Parties are Sapinda to each other.
- (3) Parties comes under the prohibitory degree.

6. Is marriage of a minor to be, void or voidable?

Ans. Sir, the marriage of a minor is neither void nor voidable. Marriage of a minor is punishable. (Valid but Punishable)

7. What is a voidable marriage?

Ans. A voidable marriage is a marriage which is voidable at the option of one of the parties to the marriage. A marriage is voidable on the following grounds --

- (1) Impotency
- (2) Respondent's unsoundness of mind.
- (3) Consent obtained by force or fraud
- (4) Pregnancy of the respondent.

8. What is the difference between void and voidable marriage?

Ans. A void marriage is null and void from the beginning, whereas voidable marriage is considered valid for all purposes until the decree of nullity is passed by the Family Court.

9. What is Presumed Death?

Ans. If any party of the marriage is missing for a period of 7 years or more, then it is presumed that he has died and this is a ground for obtaining the decree of divorce.

10. Are child of void marriage, legitimate?

Ans. Yes Sir, under Section 16 of the Hindu Marriage Act, 1955.

11. Is inter-caste marriage valid under the Act?

Ans. Yes Sir, (Section 29).

12. Can the husband also demand maintenance under the Hindu Marriage Act?

Ans. Yes Sir, (Section 24, 25).

13. Have a court marriage could be made?

Ans. Yes Sir.

14. Before whom a court marriage could be made?

Ans. Before the marriage registrar.

15. Is there any Act for court marriage?

Ans. Yes Sir, Special Marriage Act, 1955.

16. Upon completion of the marriage under Special Marriage Act, the succession of the children of the parties of the marriage is governed under which Act?

Ans. Under the Indian Succession Act, 1925.

17. What do you understand by the Theory of Factum Valet?

Ans. According to this theory, any irregularly solemnized marriage is considered valid despite the contrary of the instructions of Hindu theology.

18. Can the second wife demand maintenance?

Ans. Yes Sir!

19. What is Doctrine of Relation Back?

Ans. The son adopted by the widow is believed to have been adopted in since the day her husband died.

20. Can an unmarried person adopt a son or daughter?

Ans. Yes Sir, there should be a difference of 21 years between the age of the two.

21. Husband wants to adopt but wife opposes. Can a son or daughter be adopted?

Ans. Sir No, without the consent of the wife, the husband cannot adopt.



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Civil Procedure Code, 1908
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Bharatiya Sakshya Adhinyam, 2023
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- + IT Act, 2000
- + A&C Act, 1996
- + Environmental Laws
- + Advocate Act, 1961
- + Land Acquisition, 2013
- + Consumer Protection Act, 2019
- + Transfer of Property Act, 1882
- + Specific Relief Act, 1963
- + NDPS Act, 1985
- + PCPNDT Act, 1994
- + Food Safety & Standards Act, 2006
- + Motor Vehicles Act, 1988
- + Indian Contract Act, 1872
- + Labour & Industrial Law
- + NI Act, 1881
- and many more
- + AIBE Additional Bare Acts

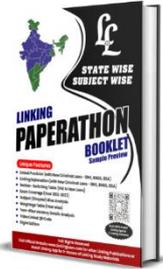
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