

Hindu Law - Paper-II FINAL KEY

1. Which is oldest veda:

Rig veda.

2. Early smritis are known as:

Dharma sutras.

3. Commentaries written by Medhatithi on Manusmriti are known as:

Manubhashya.

4. 'Mitakshara' is commentary on Yajnavalkya Smriti written by:

Vijnaneshwara.

5. 'Parasara Madhviya' is South Indian authority written by:

Madhavacharya.

6. Which literature has been treated as supreme authority in Bengal:

Dayabhaga.

7. 'Vivadandava' deals with subject of:

Inheritance.

8. 'Brahmanas' were composed in between the period of:

Shruti and smritis.

9. Doctrine of Ardesha means:

Principle of analogy.

10. The Hindu Code Bill was recommended by the committee under chairmanship of:

Sir Bengal Narsing Rau.

11. Right to property has been given to Hindu widow for the first time from the property of deceased husband by:

Hindu Widow Remarriage Act, 1856.

12. Mitakshara coparcenary is consisting of

Up to fourth generation from last holder of property.

13. Which one is not incident of Mitakshara coparcenary

Each coparcener takes a defined share.

14. Sasthra Dharma of Gauthama has -----chapters.

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15. Irretrievable break down of marriage introduced by Marriage laws (Amendment) Bill,

1981 was being incorporated on recommendation of

71th report of law commission.

16. Dowry Prohibition Act 1961, has made dowry offence as:

Cognizable for the purpose of investigation.

17. Dowry offence under the Dowry Prohibition Act, 1961 is

Non compoundable offence.

18. Dowry offences are triable under the Dowry Prohibition Act, 1961, by

Judicial Magistrate first class/metropolitan magistrate.

19. The provision for appointment of Dowry Prohibition Officers has been made in

Dowry Prohibition (Amendment) Act, 1986.

20. Under Hindu Marriage Act, 1955 presumption of marriage has been made

Under section 114 of the Evidence Act, 1872.

21. Anuloma marriage means

Marriage of higher caste man with lower caste woman.

22. The Supreme Court has held that registration of marriage as compulsory in

Sema v. Aswami Kumar, AIR 2006 SC 1158.

23. According to Vijnaneshwara, theory of sapinda relationship depends on
particle of the same blood.
24. Bigamy includes
Polygamy and polyandry both.
25. First wife of a bigamous marriage can file a suit for declaration of marriage with second wife as null & void under
section 34 Specific Relief Act, 1963.
26. If at the time of marriage either party to the marriage is unable to give valid consent due to unsoundness of mind, the marriage is
Voidable.
27. The word 'epilepsy' has been repealed from section 5 (ii) of the Hindu Marriage Act, 1955 by
Marriage Laws (Amendment) Act, 1999.
28. The child marriage Restraint Act, 1929 has been repealed by
Prohibition of Child Marriage Act, 2006.
29. The marriage has not been consummated due to impotency of either party the marriage, is a ground for
voidable marriage.
30. If wife has been suffering from barrenness and unable to procreate the child, the marriage may be categorized as
voidable marriage.
31. Where wife does not menstruate but capable of doing normal of sexual intercourse
She has been treated as potent.
32. Doctrine of want of sincerity has been
not been applied in the Hindu Marriage Act, 1955.
33. According to section 3(f) of the Hindu Marriage Act, 1955, sapinda relationship has been confined upto-

three generation in line of ascent from mother side & five generation from father side.

34. Which relation is not coming under prohibited degree of relationship
wife's' sister.

35. At the time of marriage, if the bride was pregnant by another person (other than bridegroom), the marriage will be

voidable.

36. A Hindu marriage solemnized by a person through misrepresenting his caste, the marriage has been categorized as

voidable.

37. Effect of the decree of judicial separation is

that marriage has not been dissolved.

38. Which is not a ground of divorce

DELETED

39. For obtaining decree of divorce, minimum period of desertion by a party of the marriage to another party is

two year.

40. Bipin Chandra v Prabhavati AIR 1957 SC 176 is a leading case on

Desertion.

41. A decree of divorce on the ground of desertion will be passed by a court when

animus and factum both are present.

42. Cruelty has been as ground of divorce under the Hindu Marriage Act, 1945

by Marriage Law (Amendment) Act, 1976.

43. Essential ingredient of the cruelty is

Intention immaterial.

44. Demand of dowry is –

cruelty.

45. Quarrel between wife and mother in law is

not conduct of cruelty and normal wear and tear of life.

46. Drunkness per-se of the husband is

reasonable wear and tear of married life.

47. Wife's writing of false anonymous complaint to employer of the husband is a ground for-

Divorce & Judicial separate both.

48. Justice Chandrachud in *Dastane v. Dastane* AIR 1975 SC 1586 has laid down the test for proof of cruelty is-

on balance of Probabilities.

49. In Hindu Marriage Act, 1955 before the amendment of 1976, the term used for adultery as ground of divorce-

Living in adultery.

50. Before the Marriage Laws (Amendment) Act, 1976 adultery was ground

for Judicial Separation.

51. If adulterer is known, in a suit for divorce on ground for adultery, he should be made as

co-respondent.

52. For seeking divorce on the ground of adultery, it should be proved by-

Preponderance of probabilities.

53. The decree of divorce may be obtained on ground of

virulent & incurable form of leprosy.

54. Originally, under the Hindu Marriage Act, 1955 and before the Marriage Laws (Amendment) Act 1976, the venereal disease was made a ground of divorce if it was persisted-

for three Year.

55. It has been made a ground of divorce if respondent has not known by those who would have naturally heard him, if he had been alive

for a period of seven years.

56. Additional ground for divorce has been given to wife to repudiate marriage by her

after attaining fifteen years but before attaining eighteen years.

57. The Supreme court in *Hirachnad v. Sunanada* AIR 2001 SC 1285 has held that in relation to petition under section 13 (1-A) of Hindu Marriage Act, 1955 section 23 of the Hindu Marriage Act, 1955

shall apply.

58. The Personal laws (Amendment) Bill, 2018 has been introduced before parliament in order to removed

leprosy as ground divorce in Hindu Marriage Act, 1955.

59. The Cooling period prescribed under section 13-B (2) of the Hindu Marriage Act, 1955 has been interpreted by the Supreme Court in *Davinder singh Narula v. Meenakshi Nagia* AIR 2012 S.C. 2890 as-

if circumstances warrant may be waived.

60. One year bar for filing the petition of divorce from the date of marriage has been imposed under the Hindu Marriage Act, 1955. But the same act, 1955 provide exception of this rule on the ground of –

exceptional hardship to petitioner or exceptional depravity on the part of respondent.

61. The burden of proof in case of reasonable excuse under section 9 of the Hindu Marriage Act, 1955 lies on –

the Party who has withdrawn the society.

62. The term maintenance pendant lite under section 24 of the Hindu Marriage Act, 1955 means-

maintenance during pendency of the proceeding.

63. The provision in section 24 of the Hindu Marriage Act 1955 has been added for disposal of application of expenses of the proceeding from date of notice to husband or wife within 60 days by-

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64. Concept of matrimonial property has been introduced in Hindu Law by-

Hindu Marriage Act, 1955.

65. The Mithila school was a subdivision of the

Mitakshara School

66. Apratibhandha Daya in Mitakshara coparcenary is-

Where property inherited by Hindu male up to three degree higher ancestors.

67. Gift by father of self acquired property to a son in exclusion of others, shall be treated as

depending upon the intention of father.

68. Income from hereditary profession constitutes

joint family property.

69. Where a coparcener recovers a joint family immovable property which was lost without aid of joint family fund & other coparceners, the property shall belong

Only ¼ belongs to him as separate property and rest shall be joint family property.

70. Benefit from insurance policy in name of a coparcener but premium paid form joint family shall be

joint family property.

71. Which one of the following cannot be karta of joint family

DELETED

72. Karta is not authorized to make

liable to minor member of family.

73. In Dayabhaga coparcenary comes into existence-

on death of father.

74. Which Of following principle is not applied in relation to Dayabhaga coparcenary

Survivorship.

75. A father of coparcenary may gift by love & affection (to wife, sons, daughter, daughter in law)-

a small portion of movable joint family property.

76. Karta of a Joint Hindu family cannot alienate joint family property for-

foreign trip.

77. Whether an alienation has made for purposes of legal necessity, benefit of estate or indispensable duties by karta or not? The burden of proof lies on -

alienee.

78. If alienation has not been made by kata for purposes of legal necessity, benefit of estate and indispensable duties, the transaction shall be-

voidable.

79. A coparcener has power to renounce his interest in joint family property. Once renunciation has done by a coparcener, he can-

not revoke it.

80. Sole surviving coparcener means-

single coparcener in joint family.

81. The alienation made by sole surviving coparcener may be challenge-

a son who was in womb at the time of alienation & born alive later on.

82. The pious obligation i.e. duty of son to pay debt of father, grandfather, great grandfather has been repealed by-

Hindu Succession (Amendment) Act, 2005.

83. “After the amendments in pious obligation” theory, the liabilities of son to pay-

Only the debt which has taken after the amendments, has been removed.

84. The concept of antecedent debt was-

debt must be prior in time & prior in fact both.

85. ‘The burden of proof that debt taken by father was tainted is on son’ held by the supreme court in-

Luhar Amrit. Doshi Jayant AIR 19635C.964.

86. A decree obtained against father for debt which was not tainted, in execution of this decree-

son is required to make as necessary party.

87. Under Mitakshara School, demand of partition means-

severance of status of interest.

88. According to smritikars, dwelling house-

should not be partitioned.

89. Under the Hindus Women’s Right to Property Act, 1937 a Mitakshara coparcener’s widow in partition was entitled -

same interest which her husband had at the time of death.

90. Under the Hindu Women’s Right to property Act, 1937, a Mitakshara coparcener’s widow-

can claim partition.

91. Under old notion of Hindu Law, a father of Mitakshara Hindu joint family may-

impose the partition over his sons.

92. Under Dayabhaga School, Son, grand son & great grand son-

may not claim partition during lift time of father.

93. Persons not entitled to demand partition

Illegitimate sons

94. If father has not taken or reserved a share for himself, the after born son has-
right to reopen the partition.

95. If adopted son is with natural born son, in Dharmashastra he-
may claim partition like natural born son.

96. The era of the -----was the golden age of Hindu Law
Dharmashastras

97. Minor coparcener may-

file a suit for partition only through next friend or guardian.

98. A partition claim on behalf of minor coparcener whether partition is for the benefit of minor coparcener or not-

shall be determined by court.

99. A purchase of coparcener's interest (alienee) may-

demand partition as steps into shoes of coparcener.

100. It partition takes place between the father and son, father's wife –

is not entitled to any share

101. If joint family consisting of father's widow & son's widow. Son's widow-

has right to claim partition.

102. A partition take place between grandsons, grand mother is entitle-

a share equal to share of grandson.

103. "A severance of estate in effected on unequivocal declaration on the part of one of the joint holders of his intention to hold his share separately, even though no actual division takes place" held in-

Syed V. Jorawar AIR 1922 PC 353.

104. When a coparcener files a suit for partition, severance of status takes place-

from date the suit is instituted.

105. The partition may be-

affected by orally as well by written documents.

106. When partition of immovable property is effected by a deed -

Registration of deed is compulsory when worth of property is Rs 100 or more.

107. "Once is the partition of inheritance made; once is a damsel given in marriage, and once does a man say, "I give"; these three are by good men done once and irrevocably." The views has been express by-

Manu.

108. "A reunion can be made only between the parties to partition". Expressed by-

Bombay and Mithila School.

109. On death of female, her woman's estate was -

devolve to her heir

110. The Hindu Women's Right to Property Act, 1937 introduced which of following widow/widows entitled to succeed of property-

Intestate's widows, his son's widow & his grandson's widow.

111. If a property has been alienated to a woman through gift and term of gift stipulates that she has limited ownership. In pursuance of section 14 of Hindu Succession Act, 1956 she will be -

limited owner.

112. Daughter has been added as coparcener in Mitakshara coparcenary family by-

Hindu Succession (Amendment) Act, 2005.

113. If daughter is unchaste, she will-

entitle to get share in coparcenary property.

114. Murderer has been declared disqualified to succeed the property of person murdered if murder is committed-

in furtherance of succession.

115. Brother's widow remarried with any other person becomes-

deos not have any effect & entitled to succeed her share.

116. A property was gifted by father to daughter in Hindu Family. The daughter was later on dead leaving behind no son & daughter. The property shall devolve-

on father's heir.

117. A Hindu male was dead leaving no heirs of class-I category but left one brother and son of another brother. His property shall devolve-

brother.

118. In a train accident, uncle and nephew were dead, presumption is that

uncle being died first.

119. Agnate means –

heirs connected with intestate through male lines.

120. Intestate succession means

when propositus had left no will.

121. Uterine Blood relation means

the persons are born from same mother but different father.

122. Section 23 of the Hindu Succession Act has been amended

Hindu Succession (Amendment) Act, 2005.

123. Preferential right of succession has been provided to

heirs of first class.

124. A Hindu male has adopted a son without observing ritual (dattak puja), the adoption will be

valid,

125. Doctrine of Relation Back is

not applied in Hindu Adoption.

126. Where a joint family in consisting of widow and son's widow. An adoption of a child may be made by

both for themselves separately.

127. If a Hindu male adopts a female child. He is required to be senior in age than child

DELETED.

128. If person receives or agrees to receive any payment or other reward in consideration of adoption, he shall be punished by punishment of

6 months or fine or both.

129. A daughter is entitled to maintenance under the Hindu Adoption & Maintenance Act, 1956

so long as she is un married and also unable to maintain herself.

130. A widowed daughter-in-law is entitled to maintenance against father-in-law in Hindu Adoption & Maintenance Act, 1956 if -

he (father-in law) has means to do so from any coparcenary property in which she has not obtained any share.

131. Testamentary Guardian mean

a guardian appointed through will.

132. Under certain circumstances the mother has been held as natural guardian of a minor in

lifetime of father, held in case of

Vandanna Shiva v. Jayanta Bandhopadhaya AIR 1999 S.C.1149.

133. The limitation period for challenging improper alienation of guardian by minor is -

12 years.

134. The relationship of the Hindu Minority & Guardianship Act, 1956 and the Guardian & Ward Act, 1890 is

supplementary.

135. The mortgage made by natural guardian without permission of the court shall be

voidable.

136. Where a minor has undivided interest in joint family property and property is under management of an adult member of family, a guardian

may not be appointed for this interest.

137. The father-in-law has been declared as guardian of a minor widow in case of

Paras Ram V.State AIR 1960 All 479.

138. De-facto guardian can

not deal with property of minor.

139. If a Hindu father appoints a guardian for his minor child through will and being dead leaving behind mother of minor. Who will be guardian of that minor ?

mother.

140. Purta means.

all religious and charitable acts and purposes unconnected with *vedic* sacrifices.

141. Dedication of property is essential for the creation of an endowment. In the earlier period dedication consist of

sankalpa & utsarga both.

142. In the case of divorce by mutual consent the

Mutual consent should continue till passing of the decree

143. Once valid dedication is created, the founder

has no right to revoke it.

144. For creation of valid endorsement, trust

need not be created.

145. For establishment of valid endorsement, property dedicated to it

must definite and certain.

146. A Samadhi of ordinary person in ancient time

can not be object of Hindu religious endowment.

147. A coparcener in Mitakshara coparcenary may

not create a religious endowment.

148. In Maurushi Math

chela of last mahant succeed the office .

149. If mahant of endowment is guilty of mismanagement or misappropriation, a suit may be filed by

any person interested in the endowment.

150. According to the Kalka Purana, all maths are required to be dedicated

to Shankara.

