

FAMILY LAW-II
PAPER CODE- 204
SEMESTER-IV

UNIT – I **JOINT HINDU FAMILY**

- a) Concept of Joint Hindu Family and Coparcenary under Mitakshara and Dayabhaga law and their incidents.

Cases:

- i) Commission or of Income Tax v. Gomedalli Lakshminarayan AIR 1935 Bom. 412
ii) Moro Vishwanath v. Ganesh Vithal (1873) 10 Bom. 444

- b). Property in Hindu Law: Separate and Copercenary Property

Cases:

- i) Muhammad Hussain Khan v. Babu Kishva Nandan Sahai AIR 1937 PC 233
ii) C.N. Arunachala Mudaliar v. C.A. Muruganatha Mudaliar AIR 1953 SC 495
iii) Commissioner of Wealth Tax v. Chander Sen AIR 1986 SC 1753

- c). Karta of Joint Hindu Family:

Who can be the Karta?

Position of the Karta

Powers, Duties and Liabilities of the Karta

Alienation of Joint Family Property by the Karta

Pious obligation of the son to repay the debts incurred by the Karta

Cases:

- i) Hunoomanprasad Pandey v. Mussumat Babooee Mumraj Koonweree (1856) 6 MIA 393
ii) Balmukund v. Kamlawati AIR 1964 SC 1385
iii) Guramma Bhratar Chandbassapa Deshmukh v. Mallapa Chandbassappa AIR 1964 SC 510
iv) R. Kuppayee v. Raja Gounder (2004) I SCC 295
v) M/s Nopany Investment (P) Ltd. v. Santokh Singh (HUF) 2007 (13) JT 448

UNIT II **PARTITION:** Bringing the joint family status to an end

- a) Meaning of ‘Partition’.
b) Subject Matter of Partition
c) Persons entitled to demand Partitions and to a share on Partition
d) Partition, how effected
e) Rules relating to division of property on Partition
f) Reopening of Partition & reunion

- g) Difference between Mitakshara & Dayabhaga Laws regarding Partition

Cases:

- i) A. Raghavamma v. A. Chenchamma AIR 1964 SC 136
- iii) Puttaragama v. M.S. Ranganna AIR 1968 SC 1018
- iv) Kakumanu Redasubhayya v. Kakumanu Akkamma AIR 1968 SC 1042

UNIT III PRINCIPLES OF INHERITANCE

A. HINDU LAW

The Hindu Succession Act, 1956:

- i) General rules of succession to a Hindu male dying intestate
- ii) General rules of succession to a Hindu female dying intestate
- iii) Stridhan and Women's Estate
- iv) General Principles of Inheritance and Disqualification of Heirs.

Cases:

- i) Vaddeboyina Tulasamma v. Vaddeboyina Sesha Reddi AIR 1977 SC 1944
- ii) Jaganathan Pillai v. Kunjithapadam Pillai AIR 1987 SC 1493
- iii) Gurupad Khandappa Magdum v. Hirabai Khandappa Magdum AIR 1978 SC 1239
- iv) Masilamani Mudaliar's case (C) v. Idol of Sri Swamanathiswami Thirukoil 1996 (1) HLR 82 (SC)
- v) Gumpha v. Jaibai (1994) 2 SCC 511

B. MUSLIM LAW

Principles of Inheritance under Muslim Law (Sunni Law): Primary Heirs.
Brief Introduction to Hiba (Gift), Will (Waiyat), and Marzul Maut (Death bed Transactions)

UNIT IV- RELIGIOUS AND CHARITABLE ENDOWMENTS:

A. HINDU LAW

Endowments:

- i) Meaning, Kinds and Essentials
- ii) Math-Powers and Obligations of Mahant and Shebait
- iii) Removal and replacement of Idol

B. MUSLIM LAW

Waqf:

- i) Meaning, kinds, Rights and Characteristics
- ii) Objects and Purpose of Waqf- Advantages and Disadvantages
- iii) Mosques: objects, kinds, requisites

C. PRE EMPTION

Origin, Meaning; Classification; Subject Matter; Requisite formalities; Constitutional validity.

PRESCRIBED READINGS:-

1. Satyajeet.A.Desai, Mulla Principles of Hindu Law, Vol. I & II (20th ed., 2007)
2. Poonam Pradhan Saxena, Family Law Lectures, Family Law-II (2nd ed., 2007)
3. Paras Diwan & Peeyushi Diwan, Modern Hindu Law, (18th ed., 2008)
4. Asaf A.A. Fyzee, Outlines of Muhammadan Law (2008)

LEGISLATION:

The Hindu Succession Act, 1956 (with latest amendment)