

B.A.LL.B FIVE YEARS INTEGRATED COURSE

V – SEMESTER

Paper 1.1 501 Family Law II (Mohammedan Law)

1. **Mohammedan Law** : Origin, Development, Sources, Schools, Application, Interpretation and Conversion.
2. **Marriage** : Nature of marriage, Essential of marriage, Khyarul-bulag, Iddat, Khilwat-us-sahih, Matrimonial stipulations, Kinds of marriage and effects of marriage.
Mahr : Meaning, Nature, Kinds, Objects and Subjects matter, Wife's rights on non-payment of dower.
Dissolution of marriage : Talaq. Ila, Zihar, Talaq tafweez, Mubarat, Khula, Lien, Faksh-section 2 of the dissolution of Muslim Marriage Act, 1939 Legal effects of divorce.
Guardianship : Appointment of guardian, Kinds of guardianship.
3. **Pre-emption** : Meaning, Nature and Classification of Haq Shufa (Pre-empiton), Rights of pre-emption, conflict of laws, subject matter and formalities of pre-emption, legal effects of pre-emption, Devices for evading pre-emption.
Gift : Meaning and requisites of gift (Hiba); Gift of Musha, Conditional and future gifts, Life estate, Life interest, Hiba-bil-ewaj, Hiba-ba-shari-ul-esaj.
4. **Will (Vasiyat)** : Competence of testator and legatee valid subjects of will : Testamentary limitations, formalities of a will and abatement of legacy.
Legitimacy and acknowledgement : Legitimacy and legitimation Presumption of legitimacy under Muslim Law and Section 112 of the Indian Evidence Act, conditions of a valid acknowledgement.
Maintenance : Person entitled to maintenance, Principles of maintenance, The Muslim Women (Protection of Rights on Divorce) Act. 1986
Death Bed Transactions : Meaning and effect of Marj-ul-maut.
5. **Wakf** : Meaning, essentials and kinds, Beneficiaries of Wakf. The Wakf Validating Act, 1913 and 1939. Formalities for creation of Wakf, Wakf of musha, Muslim religious institutions and officers, Administration of wakfs, Muttawali.
Inheritance : General principles of law of inheritance doctrine of Aul and Radd under Hanaf and Shia Law.

Leading cases :

1. Maina Bibi V/s. chaudhary Wakil Ahmed, 2, I.A. 145

2. Immambandi V/s. Mutsaddi (1918), 45, I.A. 71
3. Amjad Khan V/s. Ashraf Khan, 56, I.A. 218
4. Audh Bihari V/s. Gajadhar, A.I.R. 1954, S.C. 417
5. Jafree Begum V/s. Amin Mohammed Khan, 7, All 822

