

**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 Hanafit and Shia Law.

**Leading cases :**

1. Maina Bibi V/s. Chaudhary Vakil 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

