

Paper 1.5

FAMILY LAW – II (MOHAMMEDAN LAW)

Max. Marks: 100

Min.

Marks: 36

Note :

- a. In order to ensure that students do not leave out important portions of the syllabus, examiners shall be free to repeat the questions set in the previous examination.
- b. Leading cases prescribed under this paper may be read whenever they are relevant.

1. **Mohammedan Law** : Origin, Development, Sources, Schools, Application, Interpretation and Conversion.

2. **Marriage**: Nature of marriage, Essential of marriage, Khyar-ul-bulugh, Iddat, Khilwat-ul-sahiha, Matrimonial stipulations, Kinds of marriage and effects of marriage.

Mahr : Meaning, Nature, Kinds, Objects and Subject matter, Wife's rights on non- payment of dower.

Dissolution of marriage: Talaq, ıla, Zihar, Talaq-e-tafweez, Mubarat, Khula, Lien, Faskh, 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-emption), 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 requisities of gift (Hiba); Gift of Musha, Conditional and future gifts, Life estate, Life interest, Hiba-bil-ewaz, Hiba-bil-Shartul-ewaz,

4. **Will (Vasiyat)** : Competence of testator and legatee valid subjects of will : Testamentary limitations, Formalities of a will and abatement of legatee.
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. Waqf: Meaning, essentials and kinds, Beneficiaries of Waqf. The Waqf Validating Act, 1913 and 1939. Formalities for creation of Waqf. Waqf of musha, Muslim religious institutions and officers Administration of waqfs, Mutawally

Inheritance : General principles of law of inheritance, doctrine of Aul and Rudd under Hanafi and Shia Law.

LEADING CASES :

1. Maina Bibi v. Chaudhary Vakil Ahmed, 2, LA. 145
2. Immambandi v. Mustsaddi (1918), 45, LA. 71
3. Amjad Kha v. Ashraf Khan, 56, LA. 218
4. Shah Bano Begum v. Mohammad Ahmed Khan
5. Jafree Begum v. Amin Mohammed Khan, 7, All 822.

BOOKS FOR STUDY:

1. Mulla : Principles of Mohammedan Law
2. Fayzee. A.A.A. : Mohammedan Law
3. Akil Ahmed : Muslim Vidhi
4. Verma, B.R. : Islamic Law
5. Amir Ali : Mohammedan Law
6. शर्मा, के. पी. : मुस्लिम विधि
7. हफीर्जुरहमान : मुस्लिम विधि
8. वर्मा, बी. एल. : मुस्लिम विधि
9. अकील अहमद : मुस्लिम विधि

