

BA.LL.B (HONS.) – IV-SEMESTER

FAMILY LAW-II

COURSE CODE:

Course Objectives: Devolution of Property plays a significant role in Indian Society irrespective of religions. The main objective of this Course is to have an understanding of testamentary and intestate succession in Hindu Law and Muslim Law

Course Outcomes:

1. To understand the concepts of joint family and joint family property
2. To create awareness and educate the students about devolution of property.
3. To give overview to the students and enhance their understanding on the current laws on devolution of property.
4. To analyse various methods of testamentary and intestate succession in Hindu Law and Muslim Law
5. To analyse various judicial decisions pertaining to rules of succession

UNIT-I: Joint Family and Coparcenary: Hindu Coparcenary-Formation of Coparcenary – Under Mitakshara and Dayabhaga; Coparcenary and Joint Family – Distinction, Characteristic Features of Coparcenary, Rights of coparceners, Coparcener within coparcenary, Legal position, Responsibilities/liabilities and Powers.

UNIT-II: Classification of property, Obstructed and unobstructed property, Joint family property, Separate or Self-acquired Property or Absolute Property, Coparcenary Property and its Acquisition, Alienation of Coparcenary property, Alienation; General Rules of Inheritance & Classification of Heirs under the Shia Law & Sunni Law

UNIT-III: Partition, Meaning of Partition, De Facto & De Jure Partition, Subject matter of Partition & properties not capable of partition, Persons having Right to partition & Persons entitled only to Share in Partition, Mode of partition & How Partition is effected, Revocation, Re-opening and Re-union of Partition

UNIT-IV: Hindu Law of Succession, Succession to Separate/ Divided property of a Hindu Male dying intestate – class I, class II heirs, Agnates & Cognates, Succession to Mitakshara Coparcener's undivided interest, Disqualifications under the Hindu Succession Act & its effect on Succession, Hindu Woman's Property under S.14(1), S.14(2), S.15(1), S.15(2) of Hindu Succession Act, 1956

UNIT-V: Gift (Hiba), Wills (Wasiyat) & Wakfs under Muslim Law, Meaning & Essentials of a Valid Gift, Irregular Gift (Mushaa), Gift of Exchange (Hiba-bil-iwaz) and Revocation of Gifts, Object & Essentials of a Valid Will under Muslim Law, Difference between Sunni Law & Shia Law on Will, Wakfs & Essentials of Waqfs under Shia & Sunni Law and Doctrine of Cypres

Text Books:

1. Mulla, Principles of Hindu Law, Lexis Nexis, 2007
2. A.A. Fyzee, Outlines of Mohammadan Law, Oxford University Press, 1974

3. M. Gandhi, Family Law, Eastern Book Company, 2012
4. Tahir Mahmood, the Muslim Law of India, Law Book Company, 1980
5. Paras Diwan – Family Law, Allahabad Law Agency, 2001
6. Mulla, Principles of Mohammadan Law, Lexis Nexis, 1906