

**DIRECTORATE OF DISTANCE EDUCATION  
NALSAR UNIVERSITY OF LAW, HYDERABAD**

**P.G.DIPLOMA IN FAMILY DISPUTE RESOLUTION  
2019 – 2020**

**Take Home - Annual Exams (August, 2020)**

**PAPER III - 1.3. Family Disputes and Alternative Dispute Resolution Mechanism**

**TOTAL MARKS: 100**

**INSTRUCTIONS TO CANDIDATES**

- a) Please mention your name, ID No. and Subject name on the Answer Sheet.**
- b) Only typewritten answers will be accepted.**
- c) Clearly indicate the question numbers while answering them.**
- d) Answer all the questions given below. Each question is for 25 Marks.**
- e) The word limit is mentioned to give an approximate idea about the length of the answer.**
- f) Cut and paste of any material either from reading material or from internet will result in rejection of answer-sheet, which means a failure with zero marks. No plagiarism.**
- g) Do not consult other students as that has every chance of coming within the purview of plagiarism.**

**Answer the following questions:**

**Q1:** *'Each person has different values, interests which lead to several differences among people, groups and nations. There are cultural differences, personality differences, differences of opinion, and situational differences between persons. These unsettled differences lead to disagreements, which in turn cause problem. The unsolved problems lead to disputes, unresolved disputes become conflicts. Ultimately unresolved conflicts can lead to violence and even war. This is called the continuum of tension.'*

Throw some light on the different kinds of disputes and the basic causative factors of Family Disputes. **(25 Marks, Word Limit: 600-700)**

**Q2:** According to Malimath Committee Judicial Dispute Resolution is slowly closing its credibility for variety of reasons. The courts are unable to appreciate the interests of the parties to the dispute beyond the issues framed in the litigation. The advocates represent the parties and judge decides the case following strict rules of predetermined procedure, hence, parties do not exercise control over the process. The parties oppose every point raised by the other party, thereby increasing animosity between parties, and it ultimately results in a win-lose situation. Judges though are well-qualified in the law, they are unable to address the complex technical issues which need specialization in other disciplines. The findings of the court depend on various factors like available evidence, competency of advocate, precedents etc., which are not in control of the parties. The complex issues of jurisdiction, applicable law and enforceability involved in the cross-border disputes cannot be addressed through JDR. As a result there is a paradigm shift in dispute resolution mechanisms. Justify the argument the strength and weaknesses of JDR and ADR.

**(25 Marks, Word Limit: 600-700)**

**Q3:** The Ministry of Women and Child Development, the National Commission for Women and the non-governmental organizations have taken initiatives that family disputes cannot be

compared with the disputes arising out of contracts, partnerships and commercial transactions. The causative factors involved in family disputes are emotional, psychological and close nexus with blood and marital relationship. The ordinary civil procedure is not a solution for resolving the family disputes. As a result the Family Courts Act, 1984 has come into existence to handle the family disputes with care and caution. But in practice, the Act is also unable to yield the results expected by the government and the general public. Critically examine the functioning of the family courts.

**(25 Marks, Word Limit: 600-700)**

**Q4:** Mr. Raja Ram was a business man, during his business career he acquired few immovable properties through his hard earned income. The said immovable properties include their dwelling house situated at Road No. 1 Banjara Hills (worth of Rs. 4 Crores), Hyderabad; their farmhouse at Miryalaguda (worth Rs. 1 Crore) in Nalgonda District; their old house at Himayathnagar (worth Rs. 1.5 Crore), Hyderabad. The said Mr. Raja Ram during his life time wanted to execute a will in favour of his legal heirs but unfortunately he died of sudden cardiac arrest in the year 2019.

Mr. Raja Ram is survived by his wife (Smt. Sita), three children i.e., two sons Mr. Vijay Kumar (Businessmen) and Mr. Raj Kumar (Doctor) and one daughter Mrs. Jhansi, who was married to one Mr. Ramesh and are currently residing at Medak. As the matter stood thus, Mr. Vijay Kumar suffered certain losses in the business and was unable to fulfill his debts to the creditors. The banks also refused to advance any loans to Mr. Vijay Kumar.

On one fine day he proposed before his mother and brother for partitioning of the immovable properties acquired by his father during his lifetime as a part of which he proposed division of the immovable properties between himself, his mother and brother and totally excluding his sister. He excluded his sister on the pretext of having spent Rs. 50 Lakhs at the time of her wedding in the year 2010. Mr. Vijay Kumar proposed allocation of shares as follows:

1. Dwelling House at Road No. 1 Banjara Hills (worth Rs. 4 Crores), Hyderabad – For himself.
2. The farmhouse at Miryalaguda (worth Rs. 1 Crore) in Nalgonda District – For his brother Mr. Raj Kumar.
3. The old house at Himayath nagar (worth Rs. 1.5 Crore), Hyderabad – For his mother.

After acquiring the knowledge about the said proposal, Mrs. Jhansi has asked her mother and brothers regarding her share in the immovable property of her father. After the intervention of her daughter, Mrs. Sita (mother); Mr. Raj Kumar (Younger Brother) has agreed to divide all the above immovable properties into equal shares amongst all the surviving family members of Late Mr. Raja Ram.

However, Mr. Vijay Kumar (elder brother and elder son) has blatantly refused to give any share to his sister and contends that it was him, who helped financially from his own pocket to conduct the marriage of Mrs. Jhansi. After refusal by her brother Mrs. Jhansi has filed a suit for partition of the immovable properties by metes and bounds before the Chief Judge, City Civil Court, Hyderabad against her mother and brothers.

The said case was referred to the Mediation Center attached to the court. In this case you are appointed as Mediator to facilitate the mediation and submit the mediation report within 15 days from the date of appointment.

**(25 Marks, Word Limit: 1000-1200)**