

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

Post-Graduate Diploma in Family Dispute Resolution (Batch 2019 – 2020)

Take Home – Supplementary Examination (January, 2021)

**Paper III –1.3. Family Disputes and Alternative Dispute
Resolution Mechanism**

TOTAL MARKS: 100

INSTRUCTIONS TO CANDIDATES

- a) Read the instructions for Take Home Examination carefully and adhere to the same.
 - b) *Please mention your name, ID No., subject name and total number of pages on the Answer Sheet.*
 - c) *Clearly indicate the question numbers while answering them.*
 - d) *Answer all the four questions and each question carries 25 marks.*
 - e) *The answer for the 25 marks question should be written in 1200 - 1500 words.*
 - f) *Since this is a take home exam, we expect your answers to be analytical rather than straight answers.*
 - g) Copying from any source including from other students is strictly prohibited. Plagiarism is considered as a serious academic mis-conduct and the University will take action as it deems fit.
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Q.1. It is necessary to study the causative factors of matrimonial disputes for better understanding of family disputes. In matrimonial disputes, generally it can be observed that the spouses do not fight over any specific issue, but they just do not seem to love each other. In spite of best efforts from both sides, they feel that they are not able to rekindle the feelings of love they used to have for each other. This is only one example and reasons are numerous. Identify the causative factors as an experienced, conciliator, mediator and judge of the family court. **(25 Marks)**

Q. 2. It can be understood that, Conciliation is a non-binding, consensual process, in which, the parties to a dispute appoint an impartial third party called the 'Conciliator', who assists the parties in reaching at an amicable settlement of the dispute keeping in consideration the utmost satisfaction of the parties. The conciliator hears both the parties and gives suggestions keeping in view the interests of the parties. However, the parties are not bound to accept suggestions put forth by the conciliator and can opt out at any stage. In India, the process of Conciliation is presently governed by Sections 61 to 81 in Part-III of the Arbitration and Conciliation Act, 2015. Ensure the sunny side and dark side of conciliation in settlement of family disputes. **(25 Marks)**

Q. 3. The role of the judge in Family Court is very significant under the Family Courts Act, 1984. The judge is expected to give an impression to the parties that he/she is their well-wisher to settle the dispute amicably. The Act directs the Judge to make an endeavour to resolve the disputes in a congenial, comfortable and friendly environment. It is also expected that the Judge shall assist and persuade the parties to come to a settlement rather than adjudicating the disputes. In this connection, the Judge may take the help of Social Welfare Agencies and Family Counsellors. The Court annexed counseling is a developing subject in

the Indian legal system. Keeping this scenario into consideration justify how the ordinary civil procedure is better than the procedure prescribed under the Family Courts Act, 1984 to deal with sensitive and emotional issues. **(25 Marks)**

Q.4. Akash, Ashok and Anil are brothers of a joint family, and succeeded ₹70 Crores of immovable property from their immediate lineal ascendants. The said immovable property is situated in different cities namely, Nanded, Hyderabad and Vijayawada. The estimated value of immovable property is given in the schedule of the property. All the brothers are very much interested in the property situated in Hyderabad because all of them are working in Pharmaceutical Company (family business) in different capacities. They went for counseling of their elders and the same was failed because of the consensus among the brothers. Finally, Mr. Ashok approached the City Civil Court, Hyderabad for partition of the property by metes and bounds. The other two brothers also filed written statements and claimed the property situated in Hyderabad as the livelihood of the family. The Court in exercise of its powers u/s 89 CPC appointed you as conciliator to resolve the dispute by consensus and submit the conciliation report within 15 days from the date of appointment.

The schedule of the property is given below;

1. Hyderabad = Pharmaceutical factory situated in Jeediametla with a turnover of ₹20 Crores and property worth of ₹50 Crores
2. Nanded = An agriculture land used for the cultivation of Banana worth of ₹10 crore
3. Vijayawada = A manufacturing unit of stainless steel articles for domestic purpose and the property worth of ₹10 Crores.

Important dates:

1. Mediation of elders failed on 5th November, 2020
2. The plaintiff filed a case on 4th December, 2020
3. Written statements were filed on 5th January, 2021
4. The case was numbered as Mr. Ashok v. Mr. Akash and Mr. Anil, OS No. 27/2021 DJ Hyderabad.
5. Issues were framed on 7th January, 2021
6. You are appointed as conciliator on 8th January, 2021
7. You have to submit the conciliation report to the District Civil Court, Hyderabad on or before 23rd January, 2021.

Read the above scenario carefully and apply the methods of conciliation between and among the parties and submit the conciliation report to the District Judge, Hyderabad.

(25 Marks)