

***Advanced Diploma in Family Dispute Resolution
(Batch 2021 – 2022)***

Take Home – Annual Examination (June, 2022)

**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) *All the candidates are required to submit only word / Pdf files containing the typed answers.*
 - g) *All papers will be uploaded on Turn-it-in for plagiarism check. Any paper with more than 15% similarity will be considered to be plagiarized and shall not be evaluated.*
 - h) *Since this is a take home exam, we expect your answers to be analytical rather than straight answers.*
 - i) 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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1. Each person has different values depending upon the cultural, social and personal background. Disputes and differences are a common social occurrence, and institution of marriage is no exception. In recent times, it is observed that spouses frequently fight for their rights, privileges and lofty ideals of justice and equality. In spite of the best efforts made by intervention of elders, mediation, we are unable to get the fruitful results. Because, the root cause for all the family disputes is not identical. – Explain the causative factors of the family disputes. **(25 Marks)**
2. Judicial Dispute Resolution is universally accepted mechanism in the entire world, whether it is a common law system or a continental legal system. The Indian Constitution designed the structural hierarchy of the Courts. The primacy of Supreme Court and High Courts is governed by the Constitutional provisions whereas the subordinate judiciary is governed by special legislations of the respective States under the strict supervision of the High Courts. Here, civil procedure code plays a vital role in providing the procedural justice delivery system. The general course of any civil litigation in India can be classified into two categories as pre-litigation stage and post-litigation stage. – Discuss the legal ramifications involved in stages of civil litigation. **(25 Marks)**

3. Family is an institution where all the human considerations play a vital role. While dealing with the family disputes, the formal and strict procedural requirements must be relaxed and they should be made informal and less technical. Since, blood-relationship, emotional bondage, marital relationship etc. form the basis of the family. Therefore, the mediator should play a special role in dealing with family cases. This concept was recognized under the Family Courts Act, 1984. – Discuss the functioning of Family Courts in India.

(25 Marks)

4. Please read the problem carefully.

One Mr. John, who is currently serving the government as the Executive Engineer in the irrigation department is married to one Ms. Esther Shanti in the year 2014. After their marriage they were living together in the various places since Mr. John's job was of transferrable nature. Even after five years of marriage Ms. Esther was not able to conceive a child.

After this they sought medical intervention from the reputed infertility clinic. During the course of medical treatment and tests it was revealed that Ms. Esther was suffering from some congenital medical issue due to which she cannot bear a child. They sought expensive medical IVF (In-Vitro Fertilization) in order to conceive a child. The said treatment lasted for nearly two years and in the year 2021, Ms. Esther conceived and became pregnant.

Meanwhile, Mr. John who desperately wanted to father a child became highly disinterested in his wife after she has conceived. It happened so that the relatives of Mr. John were eyeing his property and they wanted Mr. John to write off his property in their name but in case a child is born to him there is every chance that the child would become the successor to all the properties of Mr. John. The relatives were successful in systematically brain washing Mr. John and instigated him to ask his wife for aborting the pregnancy.

Ms. Esther was shocked to hear the inhuman proposal of her husband as she is in the advance stages of pregnancy i.e., 6th Month. She pleaded her husband to drop the idea since both of them had struggled a lot for conceiving the child but of no avail. Her prayers went to deaf ears of her husband and she left her matrimonial house and started living at her maternal house for the rest of her pregnancy.

Even after a daughter was born to her, Mr. John never bothered to visit her and after two weeks of the delivery she received a court notice stating that Mr. John has filed a petition for divorce on the ground of desertion.

The Family Court has referred this matter to you for Mediation. After successful mediation submit the Mediation Report to the Court.

(25 Marks)