

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

Take Home – Supplementary Examination (November 18-21, 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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Q1: The study of the causative factors of matrimonial disputes will definitely help us to understand the seriousness of family issues and disputes. Generally it can be observed that the spouses do not fight over any specific issue, but there is an incompatibility for various reasons. 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 and write the various causative factors as an experienced Conciliator, Mediator and Judge of the family court.
(Marks 25)

Q2: In the JDR (Judicial Dispute Resolution) mechanism one party approaches the court either personally or through his representative claiming any legal right or privilege, and the other party files his reply/written-statement to deny such claims. The Judge who is a neutral third party, presides over the proceedings of the court, permits both the parties to present evidences in support of their claims and hears arguments of both the sides and finally delivers his judgment, which is binding on both the parties. The JDR mechanism follows the principles of rule of law, procedure of natural justice, and is an authoritative institution which enjoys the public confidence. same mechanism is also followed in Family Dispute Resolution. What are the advantages and disadvantages in JDR, specially in resolving family disputes.
(Marks 25)

Q3: 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 **(Marks 25)**

Q4: Mr. Ram Prasad 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. Ram Prasad 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. Ram Prasad is survived by his wife (Smt. Sunita), three children i.e., two sons Mr. Ravi Kumar (Businessman) and Mr. Raj Kumar (Doctor) and one daughter Mrs. Jaya, who was married to one Mr. Ramesh and are currently residing at Medak. As the matter stood thus, Mr. Ravi 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. Ravi 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. Ravi 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. Jaya has asked her mother and brothers regarding her share in the immovable property of her father. After the intervention of her daughter, Mrs. Sunita (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. Ram Prasad. However, Mr. Ravi 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. Jaya. After refusal by her brother Mrs. Jaya 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)**