

--Question Starting--

1. Within the framework of the Special Marriage Act, 1954, a couple files a notice of intended marriage, which subsequently faces objections based on alleged violation of permissible age limits. However, the objector fails to substantiate their claims with credible evidence at the hearing. In this scenario, what is the likely outcome regarding the validity of the notice?

- (1) The notice is validated as the objections are unsubstantiated, and the marriage can proceed after the mandatory waiting period.
- (2) The objections are upheld by default, leading to the cancellation of the notice irrespective of the evidence provided.
- (3) The registrar has the discretion to delay the proceedings indefinitely until further proof is provided by the objector.
- (4) The couple must resubmit a new notice, initiating a fresh waiting period.

Answer Key: 1

Solution:

? Option 1 (Correct): The Special Marriage Act requires that objections must be supported by evidence. In this case, since no credible evidence is provided, the objections do not hold, and the notice stands valid.

? Option 2 (Incorrect): The Act does not support the upholding of objections without evidence, therefore this option is not feasible.

? Option 3 (Incorrect): The registrar cannot indefinitely delay the marriage without valid grounds; they are bound to proceed according to the stipulations of the law.

? Option 4 (Incorrect): There is no requirement for the couple to resubmit a notice if the initial objections are unsubstantiated.

Hence, Option (1) is the right answer.

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2. Considering the implementation of IPC Section 498A, if a husband gifts his wife expensive jewelry which she later alleges was given with expectations of additional dowry, how does the law interpret such an allegation under the cruelty clause?

- (1) The gift is viewed strictly as a dowry demand because it can potentially lead to coercion.
- (2) Unless additional evidence supports the claim of coercion or linked expectations, the gift itself does not constitute cruelty.
- (3) Any gift given during the marriage is automatically considered a dowry demand under IPC Section 498A.
- (4) The courts dismiss such allegations as they do not pertain directly to physical abuse.

Answer Key: 2

Solution:

? Option 2 (Correct): IPC Section 498A specifies the need for clear evidence of cruelty or dowry demands. Without additional evidence indicating that the gift was coercive or had strings attached, it cannot be classified as cruelty.

? Option 1 (Incorrect): Not all gifts can be presumed as dowry unless there is clear evidence specifying the same.

? Option 3 (Incorrect): The law does not automatically assume all gifts as dowry demands; context and evidence are crucial.

? Option 4 (Incorrect): The courts consider all forms of cruelty, including emotional and psychological; dismissal is not automatic without proper judicial consideration.

Hence, Option (2) is the right answer.

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3. In a case where both spouses seek different remedies under family law, with one filing for restitution of conjugal rights and the other for judicial separation, how does the court typically prioritize these claims?

- (1) The court prioritizes the claim for restitution of conjugal rights, aiming to preserve the marriage wherever feasible.
- (2) Judicial separation is generally prioritized as it allows for physical and legal space, potentially leading to a clearer resolution of underlying issues.

(3) Both claims are treated with equal priority, leading to a simultaneous trial and verdict.

(4) The claims are dismissed, and the couple is advised to resolve the matter privately.

Answer Key: 1

Solution:

? Option 1 (Correct): Generally, courts tend to prioritize the restoration of marital relationships through restitution of conjugal rights unless there are compelling reasons for judicial separation.

? Option 2 (Incorrect): While judicial separation can provide space, it is not typically prioritized over attempts to reconcile the spouses.

? Option 3 (Incorrect): The claims are not necessarily treated with equal priority; the nature of the relationship and potential for reconciliation often guide judicial discretion.

? Option 4 (Incorrect): Courts do not generally dismiss such claims outright but rather seek to adjudicate based on the merits and circumstances presented.

Hence, Option (1) is the right answer.