

THE OPEN UNIVERSITY OF SRI LANKA
FACULTY OF HUMANITIES AND SOCIAL SCIENCES
DEPARTMENT OF LEGAL STUDIES
LL.B DEGREE PROGRAMME 2022/2023
LEVEL 4
CONTINUOUS ASSESSMENT TEST II
LLU4707 – FAMILY LAW
DURATION - ONE (01) HOUR



DATE: 04 December 2023

TIME : 9.30 a.m – 10.30 a.m

The candidates will be penalized for Illegible handwriting.

Total number of questions: 02

Answer ONE (01) question only.

1. Nihal a school teacher, lived with his parents Selesthina and Siyadoris, in Kaluthara. Nihal's parents gifted him a rubber estate, which was their only asset and the source of income, when Nihal reached 18 years of age. Nihal used the income from the rubber estate to maintain his parents. Nihal married Nuwani in 2002, and got a transfer to a school in Colombo the same year. The couple rented a house in Colombo and started living there. They had two children, a son and a daughter. Nuwani stayed at home to take care of the children and Nihal used his monthly salary to maintain the family.

Recently, Nuwani discovered that Nihal was having an affair with a teacher in Maharagama. When she questioned him about it, Nihal assaulted her and left home. He also stopped giving her money for household expenses and refused to pay the monthly rent. Nuwani does not have any other income and she is unable to support herself and her children who are now 20 and 17 years of age respectively. Nihal also stopped providing for his parents because they advised him to give up the affair.

Discuss Nihal's liability to provide maintenance for his wife, children and parents in terms of the law governing maintenance in Sri Lanka. Support your answer with statutory provisions, Roman Dutch law principles and case law where relevant.

(20 Marks)

2. Write case notes on any **FOUR (04)** of the cases given below.

Each case note should also include a discussion of other important cases analyzed in the judgments.

- i. *Jayasinghe Vs. Kiribindu* (1997) 2 Sri L.R. 1
- ii. *Abeysondere Vs. Abeysondere* (1998) 1 Sri. L.R. 185
- iii. *Manickavasagar Vs. Kandaswami* (1986) 2 Sri L.R. 8
- iv. *Wimalawathie Vs. Openayake* (1971) 74 N.L.R. 308
- v. *Wijegunawardene Vs. Gracia Catherine* (1984) 2 Sri LR. 381

(5 Marks x 4 = 20)

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