

THE OPEN UNIVERSITY OF SRI LANKA
FACULTY OF HUMANITIES AND SOCIAL SCIENCES
DEPARTMENT OF LEGAL STUDIES
LL.B DEGREE PROGRAMME 2023/2024
LEVEL 4
CONTINUOUS ASSESSMENT TEST 1
LLU 4707 – FAMILY LAW
DURATION – ONE (01) HOUR



Date: 06th November 2024

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. Twenty-seven year old (27) Arun and Twenty-five year old (25) Mary who are governed by Tesawalamai law have been living together as husband and wife since May 2022. They did not register their union or perform customary rites, before they started living together, but they have been recognized as a married couple by relatives and friends. In November 2023, Arun started a love affair with sixteen year old (16) Shanthini. Thereafter, Arun decided to marry Shanthini and asked for her parents' consent to do so. Shanthini's parents who were not aware of Arun's relationship with Mary, gave their consent for the marriage. Shanthini's parents started planning a grand customary marriage for Arun and Shanthini to be held in December 2024. However, in October 2024, Mary learned about Arun's plans to marry Shanthini and opposed the marriage claiming that Arun is legally married to her.

Consider the above scenario and answer the following questions.

- a) Is there a legally valid marriage between Mary and Arun? Support your answer with statutory provisions and case law.

(06 Marks)

b) Discuss the legal validity of the intended marriage between Arun and Shanthini.

(06 Marks)

c) Would your answers in (a) and (b) above, be different if all the parties were governed by Muslim law? Explain the reasons for your answer.

(08 Marks)

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

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

a) *Abeysondere v Abeysondere* [1998] 1 Sri L.R. 185

b) *Gunarathnam v Registrar General* [2002] 2 Sri L.R. 302

c) *Canekaratne v Canekaratne* [1968] 71 NLR 522

d) *Gaffoor v Wilson and Another* [1990] 1 Sri L.R. 142

e) *Gracia Catherine v Wijegunawardene* [1986] 2 Sri L.R. 190 - (Supreme Court Judgment)

(05 Marks X 04 = 20)

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