

# **FREQUENTLY ASKED QUESTIONS ON THE ROLE AND DUTIES OF THE FAMILY COURT**

## **Q. WHAT ARE THE ROLE AND DUTIES OF THE FAMILY COURT ?**

A. Following are the matters which can be filed in and decided by the Family Courts:-

1. Decree for nullity of marriage.
2. Restitution of conjugal rights.
3. Judicial separation.
4. Dissolution of marriage.
5. Declaration of matrimonial status of any person.
6. Matrimonial property matters.
7. Claim of maintenance.
8. Guardianship.
9. Custody of children.
10. Access of children.
11. Application for injunction in matrimonial matters.
12. Custody of children, guardianship, legitimacy of child under the Hindu Minority and Guardianship Act, 1956.

## **Q. IS THE LITIGATION IN FAMILY COURT OF ADVERSARIAL NATURE ?**

A. A Family Court Judge is expected not to have any kind of adversarial attitude at this stage. He is not exercising adversarial adjudicatory powers but a participatory reconciliatory powers. A Family Court Judge must not have lack of thought for reconciliation.

## **Q. WHAT QUALITIES A FAMILY COURT JUDGE IS EXPECTED TO HAVE ?**

A. A Family Court Judge has a role of a mediator, a role of a conciliator and a role of a settler. He has to have knowledge of Social Science, Psychology and individual perception of life. Everybody has a perception of life, a wife has a perception, a husband has a perception, their family has a perception, a Judge has a perception. This perception is to be applied with fundamental legal common sense.

## **Q. WHAT ARE THE OBJECT AND PURPOSE OF THE FAMILY COURT ?**

A. Object and purpose of the Family Court is to see that there is reconciliation. When a husband and wife fight between themselves, either for divorce, separation, dissolution, nullity, maintenance, custody of child, its primary duty is to see that there is reconciliation and its first role is conciliatory.

The whole purpose of establishing a Family Court as a different Jurisdictional Court is to have a difference in approach and a difference in attitude. The attitude appropriate in handling a Civil Case or a Criminal Case is not the attitude or approach that a Judge should have in handling a Family Court's case.

## **Q. CAN FAMILY COURT REQUIRE THE SERVICES OF COUNSELORS, DOCTORS, WELFARE EXPERTS ETC. ?**

A. Family Court Act, 1984 is the only Act which requires the services of Counsellors, Doctors, welfare experts, Organisations etc. Their services are to be utilized within a reasonable time.

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