



FREQUENTLY ASKED QUESTIONS ON FAMILY COURTS IN INDIAN –LAW

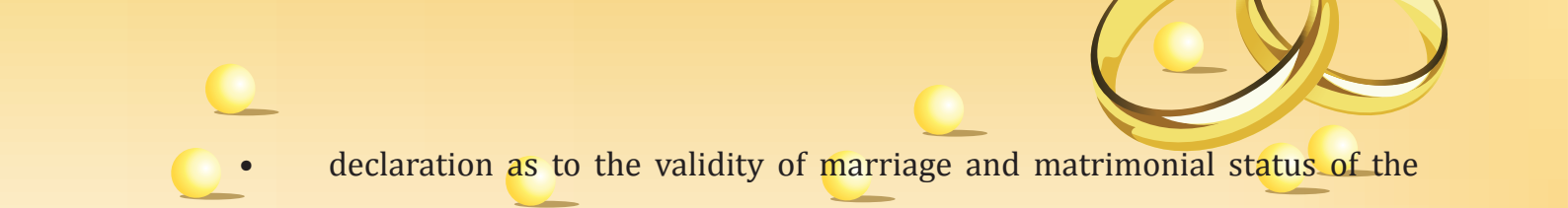
Q1. What is the object of The family court Act 1984 ?

Ans. The Family Courts Act 1984 was enacted on 14 September 1984 to provide for establishment of the family courts with a view to promoting conciliation in and secure speedy settlement of disputes relating to marriage and family affairs.

Q2. What are the various matters dealt in the Family Court in India?

Ans. The matters which are dealt in the Family Court in India are matrimonial reliefs which includes :

- nullity of marriage,
- judicial separation,
- divorce,
- restitution of conjugal rights,

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- declaration as to the validity of marriage and matrimonial status of the person,
 - property of the spouses or any of them ,
 - declaration as to the legitimacy of any person, guardianship of a person or custody of any minor, maintenance including the proceeding under the Cr. P.C

Q3. What is the jurisdiction of the family court, established under the The family court Act 1984, in civil matters?

Ans. The family courts exercise the entire jurisdiction which is exercised by any District Court or any subordinate civil court in the following matters-

- Matrimonial cases
- Maintenance and alimony of spouses
- Custody and guardianship of children
- Settlement of spousal property

Q4. What is the procedure to be followed by the Family Court ?

- Ans.**
1. The family court has the power to make their own procedure.
 2. They are not required to record the oral statement of the witness at length.
 3. The Family Court can receive any document or statement even if it is not admissible under Indian Evidence Act 1872.

Q5. What is the role and responsibility of the family court ?

- Ans.**
1. It is the duty of the family court to resolve the matter through conciliation and settlement.
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Q6. Which Law is applicable for the enforcement of the order or the judgement?

Ans. Provisions of the Code of Civil Procedure, 1908 are applied for the enforcement of the order of the Family Court.

Q7. Can a family court judge take assistance of medical and welfare experts?

Ans. Yes, The Court can take assistance of medical and welfare experts as well as the Counsellors.

Q8. Can parties to the case desire for In camera proceedings before the family Court?

Ans. Yes, In camera proceedings can be ordered if the parties desire. (In camera proceedings means that the public is not allowed to see the proceedings)

Q9. To whom the appeal from judgment or order of the family court lies? And what is the period of limitation to file such appeal?

Ans. The appeal from family courts lies directly to the High Court within 30 days of passing the order or the judgement. Such The appeal can be on both question of law and question of fact.

Q10. Is the order which is passed with the consent of the parties appealable?

Ans. No appeal lies against an order which is passed with the consent of the parties

Q11. Does the family court possess the jurisdiction to entertain the petition pertaining to the property dispute ?

Ans. The family court can entertain the petition relating to the property dispute



between the parties to a marriage only, but it has no jurisdiction to entertain the applications in case involving a dispute between the brothers, sisters, mothers, fathers etc. concerning property.

Q12. Whether the family court has jurisdiction to give the custody of the child ?

Ans. Yes, The family court has jurisdiction to give the custody of the child to a proper person .

Q13. What are those two pillars on which the whole structure of family courts is built ?

Ans. Counseling and conciliation are the two pillars on which the whole structure of family courts is built.



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