

Legal Reasoning

Read the following facts and answer the questions given below;

Question No. 01

Malani was a Plaintiff in a divorce matter heard in District Court of Kiuliyapitiya. However following the conclusion of the Trial before delivering the Judgment Malani had died. However, District Judge delivered the Judgment in favour of deceased Malani granting her a permanent alimony of Rs. 1,000,000 million from David, the Defendant. However, David, the Appellant attempted to prove that the learned District Judge's order was a nullity in view of the demise of the Judgment-Creditor. But the High Court had after examining various positions ultimately made order substituting the son of the deceased, Namal in the room of the deceased Judgment-Creditor.

(i): How would you evaluate Judgment of the appeal?

.....

.....

.....

.....

(ii): What is the right of Sunimal to the property, which the Malani had inherited from her parents?

.....

Question No.02:

Janaki, 35 years, was a Plaintiff in a divorce matter heard in District Court of Colombo on whose favour the District Judge awarded a permanent alimony of Rs.1,620,000/- million from Ruban, 48 years, the Defendant whose marriage was dissolved on the ground of Malicious desertion. Ruban was a teacher whose net salary remained Rs. 8,900/- a month. Janaki had also been already granted an alimony pendente lite – Rs. 2500/- a month.

District Judge has computed the permanent alimony on the basis of life expectancy of this country is 75 years and monthly rate of Rs. 4,500/- for a period of 30 years. Accordingly, $\text{Rs. } 4500 \times 12 \times 30 = \text{Rs. } 1,620,000/-$ as permanent alimony. Ruban Appealed aganst the determination of District Judge the Permanent alimony was excessive.

- (i) **Would the David Success in his appeal? Give reasons for your answer with available legal provisions**

.....

.....

.....

.....