

**Clinical Course II**  
**Alternative Dispute Resolution Systems**  
**Stimulation exercises**  
**VIII Semester of 5yr BA & BBA Course**  
**IV Semester of 3yr Course**

**Marks 4x10=40**

**Component –I Arbitration Cases**

1. Mr. Pankaj and Miss Sita jointly purchased a site property situated at Bengaluru for 50 lakhs and registered in their names. After few years, as the site value increased Mr. Pankaj decided to sell the site property which was opposed by Sita. Mr Pankaj demanded Sita to transfer site property completely in his name for which he is ready to pay 30 lakhs but the same was refused by Sita. The matter is referred to arbitration.

2. Ram purchased a LED TV for Rs. 1 lakh from S & S Company, Bangalore on 21/6/2016 with 1 year of warranty and warranty card was issued for the same. The Company told, if he wants a receipt he has to pay VAT. In order to save tax he purchased without receipt. After 6 months the TV is under repair. He approached the company but it refused to replace it. The case is referred to arbitration forum.

3. Suzain, residing in State of Sikkim entered into a contract (Arbitration clause) with Sameer on 1/2/14 at Sikkim to sell handicraft items for 50,000 rupees and supply it to Bombay within 1 month from the date of contract. Due to the bad conditions of road, the goods reached after 1 week of due date. Mr. Sameer terminated the contract due to delay in supply as a result of which she suffered a loss. Suzain wants to take action. Advice her.

4. Anil, a CA did all the preliminary work for registration of the R & R Company. After registration of the above said company he demanded for remuneration for his pre-registration work from the BOD but the same was rejected. He wants to claim compensation. Parties signed arbitration agreement and referred it to arbitration forum. Advice them.

5. Roma had lent a sum 5 lakhs to Mr. Shashi as a loan amount on the basis of collateral security (immovable property). In order to pay the same he issued a cheque to Roma. She submitted the cheque in a bank which was dishonored due to insufficiency of fund. He demanded for the possession of the property but the same was refused by Shashi. To settle the matter they approached arbitration centre.

6. Mr. Saras purchased a site property in Vijaynagar by paying value of rupees 23 lakhs. The title deed was signed and executed by the seller and his wife, but seller's son rejected to sign the deed. Later after the registration the seller's son has filed a case challenging the validity of sale. The matter is referred to arbitration without arbitration agreement.

7. Ramesh working in IT Company signed a contract saying that he will be continued in the service for 5 yrs with 25 lakhs annual income. Relying on the contract of employment, he borrowed loan of 20 lakhs. After few days the company removed him without giving a prior notice. The matter is referred to arbitration for settlements.

**Note: 1. Students must form a team consist of 6 members (1 Arbitrator, 2 parties, 2 counsel and 1 witness).**

**2. Students must choose their roles accordingly.**

**3. All the students must prepare documents for their respective roles as follows:**

**Arbitrator- Arbitration award**

**Parties- claims petition & Arbitration Agreement**

**Counsels- Arguments and related documents and**

**Witness- Affidavit and other documents**

**4. Choose any 1 problem.**

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### **Component –II Mediation Problems**

1. 'a' husband residing at Bengaluru, filed a divorce petition under section 13(1)(ib) of Hindu Marriage Act 1955 against his wife 'b'. The contention of 'b' is as she is working at Mysuru, she cannot reside in matrimonial home along with 'a'. The family court referred the matter for mediation.
2. 'x' husband working in MNCs at Bengaluru filed a petition before family court asking for the custody of his only daughter of 10 years old who was residing with his wife 'y' at Mangaluru. Matter is submitted for mediation.
3. Wife filed maintenance petition asking husband to pay 10,000 every month but husband alleged that she is earning nearly 50,000 per month as a result of which he is not ready to pay maintenance amount. Mediator was appointed by the court to settle the disputes.
4. Husband filed petition before family court in Bengaluru requesting for visiting rights to his son everyday who is in custody of his wife. Wife refused to allow husband to see their son every day. The mediator is appointed to resolve the issues.
5. Lease agreement was signed between 'a' and 'b' for a period of 5 years. As per the agreement, the future disputes can be referred to mediation. The tenant requested the owner to change the water heater and the same was refused and removed him from the house. As per the agreement matter is referred to mediation.
6. 's' an employee of MNC signed a contract of employment for 1 year. The contract stated that he cannot resign from the employment before the completion of 12 months. After working for 8 months, 's' gave resignation letter but it is rejected saying that he should pay 2 lakh amount as penalty without which the MNC will not accept his resignation letter. Both the parties agreed to approach mediator for redress.
7. 'a', 'b' & 'c' formed and registered a partnership firm named 'cognizant' to function as event management body. A clause was inserted in partnership deed

stating that any issues related to closing down of firm arise it may refer it to mediation. The firm is functioning smoothly with reasonable profits. 'a' proposed to close the firm which was refused by others. The dispute is submitted to mediation.

8. A software company based in UK licensed software application to Indian based company. The agreement provided for mediation clause to resolve the disputes as per UNICITRAL Rules. The UK Company without giving a notice terminated the license.
9. An Indian company and French company signed MOU to transfer technology from France to India which could be used for rain water harvesting. The companies agreed to refer future disputes for mediation.
10. Four brothers disputed for partition of agriculture properties situated at Tumkur district. As there is no will executed, two elder brothers demanded for more share than two younger brothers. The matter is submitted for mediation.
11. Mr. Pankaj married Mrs Sita as per hindu ceremonies. Mr. Pankaj purchased site property situated at Bangalore and registered in Sita's name. After few years of marriage they decided to take divorce. Mr Pankaj demanded Sita to transfer site property to his name which is refused by Sita. She demanded 50 lakhs as maintenance from Mr. Pankaj.

**Note: 1. Students must form a team consist of 5members (1 Mediator, 2 parties, 2 counsel)**

**2. Students must choose their roles accordingly.**

**3. All the students must prepare documents for their respective roles as follows:**

**Mediator- Suggestions & Advice**

**Parties- claims petition & Mediation Agreement and Settlement Agreement**

**Counsels- Arguments and related documents and**

**4. Choose any 1 problem.**

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### **Component –III Conciliation Cases**

1. Prasad Industries announced two months bonus for its workers in the month of January 2017. Relying on this announcement, workers started working more continuously for 6 months and the industry earned more profits. Later the industry refused to give bonus as a result of which the workers went on strike. The matter is referred to conciliation officers.

2. T& T industries allowed members to form trade union. As per the guidance of managements, all the workers became members for trade union and started organizing welfare activities for workers. The activities of workers started disturbing the work in industries as result of which the management passed an order stating that trade union shall be dissolved but workers did not like the step of management and agitated against them. After mutual discussion the matter was referred to conciliation officer.

3. JK Export Ltd, a garment industry employed 500 women workers as tailors assuring them to provide Crech facility to their kids. After working for many months, women workers demanded for Crech facility and the same was denied saying lack of funds. workers agitated against the employer and government appointed conciliation officer to resolve the disputes.

4. Few BMTC workers went on strike continuously for 3 weeks against the authorities which caused huge loss to the government. The government suspended many workers and removed them from job without giving notice. All the workers agitated and to resolve the dispute the conciliation officer are appointed.

5. 'XXX' a fire work industry started its manufacturing work without adopting safety measures as a result of which two people died during the course of employment. The dependants of the deceased demanded for compensation which was refused by the owner of the industry. The dependents referred the matter to conciliation officers.

**Note: 1. Students must form a team consist of 3members (1 Conciliation officer & 2 parties).**

**2. Students must choose their roles accordingly.**

**3. All the students must prepare documents for their respective roles.**

**4. Choose any 1 problem.**

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### **Component –IV Negotiation Cases**

1. 'A' agreed to sell his agricultural property to 'B' for 20 lakhs. Agreement to sell was signed and advance amount of 10 lakhs was paid by B. Later the same property was sold by 'A' to 'C' for 25 lakhs without informing 'B'. 'B' wants to file suit for specific performance of contract against A. Advice the parties to negotiate.

2. 'F' purchased TV from a show room. He asked a Packers & Movers to deliver TV to his door step. At the time of deliver, TV was damaged by delivery company. 'F' asked for compensation and it is refused by Packers & Movers. Negotiate the matter.

3. 'G' wants to file public nuisance case against vegetable sellers who are selling vegetables on the roads in a residential area. Negotiate the issue.

5. Purva signed an agreement to sell to sell 10 crore property to Vish for 1 crore. After 1 month she demanded 8 crore as a sale amount which is refused by vish. Negotiate the dispute.

6. Ramappa, an agriculturist in Ramanagar taluk, was possessing 6 acres of land, 1 house property and 23 cattle. He died intestate. His widow, 2 sons, 3 daughters and 6 grand children wants to make partition of the deceased property. Negotiate the dispute.

- Note: 1. Students must form a team consist of 2members (2 parties).**  
**2. Students must choose their roles accordingly.**  
**3. Students must prepare documents for their respective roles.**  
**4. Choose any 1 problem.**
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**General Instructions:**

- Students must form teams and inform the course teacher and date will be allotted between 1<sup>st</sup> April and 30 April 2017.
- Team must choose one problem from each component and must change their roles.
- Students are required to prepare documents in green legal sheet, hand written and spirally bound and the same shall be submitted to the course teacher.
- Students are required to be in uniform for stimulation exercises.