

# **CLINICAL COURSE IV- MOOT COURT EXERCISE AND INTERNSHIP**

**March 25<sup>th</sup> & 26<sup>th</sup> of 2017**

## **II MOOT PROBLEM**

In the State of Joy situated in the country of Happy Land whose laws, political, economic and social systems are similar to that of India. The well to do educated Hindu couple Sharath and Ananya married in the year 2000 and stayed together for one year. There was misunderstanding between the couple since the initial days of marriage. One son was born out of wedlock. Ananya took the son and left the house and chose not to come back for a period of three years. Sharath's attempts to bring her back went in vain.

Ananya filed a petition for Restitution of Conjugal Rights and Maintenance before the Principal Judge of Family Court. Sharath filed a petition seeking for a decree for Judicial separation and dissolution of marriage. However, in course of the proceeding the petition was amended and Sharath converted the petition from Judicial Separation to petition for Divorce on the ground of desertion. In 2005, the learned Principal Judge of Family Court, on the basis of evidence, allowed the application of Ananya filed under Section 23 (a) read with Section 9 of the Hindu Marriage Act, 1955 and granted Restitution of Conjugal Rights and declined to grant Divorce on the ground of desertion. Court also recorded the voluntary memorandum of settlement agreed between the parties before the Mediation Centre as part of decree.

However, Ananya did not return to Sharath, instead alleged demand of dowry against Sharath. As a consequence, Sharath was arrested for the offences under Section 498A and 506 read with Section 34 of the IPC and provisions of Dowry Prohibition Act, 1961. Sharath remained in the custody for one day until he was released on bail.

Thereafter, Sharath preferred an appeal before the High Court of Joy. The High Court perceived the acts of parties as reflection of the attitude of revenge, vengeance after the decree of restitution and also long separation. The High Court set aside the judgment for decree of Restitution and passed a decree for divorce and confirmed the said voluntary memorandum of settlement.

Now, Ananya preferred an appeal before the Hon'ble Supreme Court of Happyland by Special Leave seeking further maintenance and that there was no

desertion but for mental cruelty caused by Surya. However, Sharath contends that Ananya deserted him and cannot claim further maintenance than what has been agreed before the Mediation Centre. This matter is now posted for final decision before the Hon'ble Supreme Court of Happyland.

**NOTE:**

1. Students should be present at 8.30 a.m. The students will present the case in accordance with their register number. Those who are not present on their turn will not be allowed to present the case. They will strictly be marked absent.
2. The students should be in Black and White uniform, with blazer and logo.
3. The Memorials should be handwritten, spiral bound and one-sided. Only green legal sheets should be used. Students should bring two copies of Memorials.
4. Odd Register Numbers will argue for Appellant/ Petitioner and Even Register Numbers will argue for Respondent.

**DATE & TIME:**

25/03/2017	3yr. LL.B (Freshers and Repeaters)	8.30a.m
26/03/2017	5yr. B.A. and BBA LL.B (Freshers and Repeaters)	8.30a.m