

# ALL INDIA USLLS FIRST YEAR STUDENTS' MOOT COURT COMPETITION, 2016



UNIVERSITY SCHOOL OF LAW AND LEGAL STUDIES  
GURU GOBIND SINGH INDRAPRASTHA UNIVERSITY  
SECTOR 16-C, DWARKA, NEW DELHI-110078

## MOOT PROBLEM

1. Sansani, a renowned film star of sixteen years, wanted a small party house and a swimming pool constructed in her back garden. By misrepresenting that she is a major, she put the task out to tender and accepted the offer of Mr. Khalbali, a building contractor, who agreed to do the work for Rs.5,00,000/-.
2. Both Sansani and Khalbali knew that this was an unrealistically low price contract and the amount will be paid in instalments in order of the completion of different phases of the assigned work. Khalbali, having completed the small party house began construction of the swimming pool and ran out of money and materials for further construction. Khalbali told Sansani that he could not complete the construction unless further capital was made available to him.

3. Sansani had arranged a poolside party to which she had invited top film directors from whom she hoped to win new leading roles and was desperate to have the pool completed as stipulated. She requested for the continuance of the construction work and further requested Mr. Khalbali to spend the remaining amount of Rs. 3,00,000/- on the work out of his own pocket and the money would be paid to him when she secures her next contract.
4. The pool was completed; the party was a success and Sansani was awarded the starring role in the new movie named “Tu Kaun Mein Khaamakhaan”. Sansani tells Mr. Khalbali, “*Darling, you have saved my career. Don’t worry about Rs. 3,00,000/-.*” Mr. Khalbali started a new project, whereas Sansani’s new film was a complete flop. She then found herself unable to pay the amount of Rs.3,00,000/- to Mr. Khalbali.
5. Mr. Khalbali compelled Sansani, a leading film actor, to render dance performance in his party which he organized to invite rich people, relatives and friends in order to secure contracts regarding building construction, etc. and in return he agreed to release Sansani from paying the debts of Rs.3,00,000/-. Sansani agreed on this point and was ready for the dance performance in the party. But before the party, she suffered from a sprain due to over repetition of rehearsals. Then she did not perform in Mr. Khalbali’s party on the advice of the doctor.
6. On Sansani’s eighteenth birthday, both the parties, on the humanity ground, decided to alter the contract. Sansani acknowledged the debt taken from Mr. Khalbali for rendering the past services and further both agreed on the same point that Sansani would pay the debt

through easy monthly instalments (EMIs) of Rs.10,000/- per month till the repayment of the amount of Rs.3,00,000/-.

7. Sansani, later on, felt that some of the work done by Mr. Khalbali was not performed as she had specified. She further pointed out that the material used for constructing the small party house and a swimming pool was not of the right kind. She estimated that this would cost her Rs.3,50,000/- only.
8. Sansani then decided to dispose-off her property at the price of Rs.9,00,000/- without giving a single penny to Khalbali. When all this foul play came to the knowledge of Khalbali, he tried to restrain Sansani by putting enormous pressure in order to recover his money amounting to Rs.3,00,000/- which he spent on the construction of small party house and a swimming pool for Sansani.
9. Khalbali could not recover the debt from Sansani even after a reasonably long time. He gave a notice to Sansani regarding payment of money within 15 days but no reply was given by her on this matter.
10. In this context, Khalbali finally decided to go to the court for seeking remedy in this regard. The suit was then filed by Khalbali on the ground that he had constructed the small party house and a swimming pool as per the terms of the contract and has taken all the diligent steps to recover the loan made available to Sansani for Rs. 3,00,000/- but now she has refused to pay the said amount and hence the present suit.
11. Argue the matter for each party.