

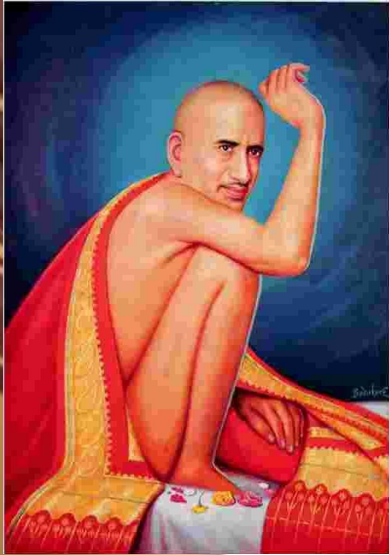


DR.DY PATIL COLLEGE OF LAW

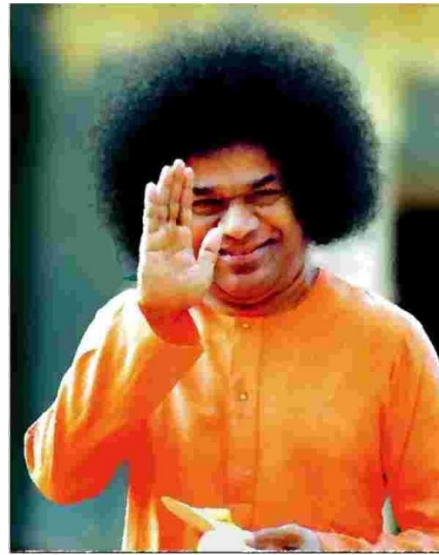
LITIGATIONS 2017-2018

(17/2/2018)

NATIONAL MOOT COURT COMPETITION



SAINT SHREE GAJANAN MAHARAJ



SAINT SHREE SATYA SAIBABA

OUR MANAGEMENT



HIS EXCELLENCY

PADMASHREE Dr. D.Y. PATIL SAHEB

Former Governor of Tripura, Bihar and West Bengal

Founder President :The D.Y. Patil Group

There is an old adage, which goes, "One man with confidence can make a majority." This is very apt in the case of Dr. D.Y. Patil. There is no area in the field of education which has been untouched by him - from establishing school's, imparting basic education to providing a large number of institution of higher learning to the people. The Ramrao Adik Institution of Technology (RAIT) in Navi Mumbai, established about twenty five years ago and the KrishiVigyan Kendra in Kolhapur bear testimony to this fact. The University at the Nerul Campus is a jewel in his crown. Luminaries like Dr. Patil are best remembered by their work, not by the recognition and awards they win. Still, a mention has to be made of the title of Padmashree accorded to him by the

President of India for his undoubtedly huge contribution in the field of education as well as the Honorary Doctorate adorned on him by the Nottingham Trent University, United Kingdom. He is a devout follower of Shri Saint Gajanan Maharaj of Shegaon.



HER EXCELLENCY

Late Mrs. PUSHPALATATAI D. PATIL

Mrs. Pushpalata D. Patil was a Secretary of the Society. She believed that the institution should be known by the quality education provided by it. According to her the quality of the education depends not only on the best facility and good infrastructure but also on the harmony between the students and the faculty. To achieve this goal, the organisation must provide the best and state-of-the-art facilities to the students and the staff.



Dr. VIJAY D. PATIL

PRESIDENT : Dr. D. Y. Patil Group

An educational institute to truly be world class has to be solid and state-of-the-art when it comes to infrastructure. The person responsible to make this happen here is Shri. Dr. Vijay Patil. Armed with a Bachelors degree in Engineering, a master's degree in Business Administration from Bond University, Australia, Shri Dr. Vijay Patil possesses the right qualification and organisational capability for managing the infrastructural needs of a Group of this magnitude. A pointer towards his skills is the well-established and state-of-the-art facility of a 750-bed hospital in the University campus worth Rs. 60 Crores, which has

created a benchmark in hospital planning and management. He has been instrumental in constructing the international D.Y. Patil Stadium which boasts a capacity of 55,000 people.



Dr Ajeenkya D Y Patil, Chairman, D Y Patil Group

Dr. AJEENKYA D. PATIL

PRESIDENT : Dr. D. Y. Patil University

Dr. Ajeenkya D. Patil possesses a Master's Degree in Business Administration from Richmond College, United Kingdom, and a specialisation in Marketing from the London School of Economics. In 2005, he was nominated as Chairman of the Central Board of Workers Education by Union Ministry of Labour and Employment, Government of India. In February 2007 he was nominated to the international Baccalaureate Organisation Development Council based in Geneva, Switzerland. Recently he was nominated by the Hon'ble Governor of Maharashtra through the University at Mumbai to become its management member. He is also a trustee of many educational and philanthropic trusts and societies. In recognition of his relentless pursuit for social causes, Prof. Lord Patel of Bradford and Mrs. Cherie Blair, QC, invited him to the World Water Day event in the House of Lords. Most recently he was awarded an Honorary Doctorate by University of Central Lancashire, United Kingdom, for his contribution to society in the fields of Education, Healthcare and Social Causes. He lives a dream of turning the state into a centre of world class learning and education. The international School in Pune on a 100-acre land under his leadership speaks volumes about his dreams. He is also the force behind providing international linkages to various institutions of the Group. His dynamic personality is a strong aid in providing a clear direction to the Group.



Message from the Principal's Desk

I am proud to say that Dr. D.Y Patil College of Law is one of the best institutions in the field of legal education. It gives me immense pleasure to be associated with such a prestigious educational institution. With the great support of our management, trustees, teachers and staff members, we have achieved tremendous success in the field of legal education. Dr. D.Y. Patil College of Law has been the meeting point of ideas and best academic practices. Apart from regular lectures we organise guest lectures by eminent legal luminaries, judges and senior advocates. We also organise Seminars, Workshops, Moot Courts, debate and elocution competitions as we believe in overall development of the student at large.

“We believe in the development of each and every student. Our aim is to provide quality legal education taking into consideration the changing needs of society. It is rightly said that law is the king of kings. Our dream is to empower the student's community providing them with deep legal knowledge and practical application of it for the betterment of the society. Dedicated towards legal education, our aim is to provide practical knowledge to the students so that they can apply it practically. We also successfully conduct various camps, police station visits, court visits and jail visits so that the students shall benefit from them.”



DR.DY PATIL COLLEGE OF LAW

To

Principal

Sub: INVITATION FOR NATIONAL MOOT COMPETITION- "LITIGATIONS 2018"

SIR/MADAM

We take immense pleasure in inviting you for the NATIONAL MOOT COMPETITION- LITIGATIONS 2018 to be held on 17th February 2018 . It will be of great pleasure if your esteemed institute participates in the competition.

Details of the competition are enclosed along with the invitation. Provisional registration can be done by sending a soft copy of the enclosed registration form at dypcl.moot@gmail.com

Participation shall be confirmed on receipt of the registration form along with the demand draft of Rs 4000 from colleges outside Mumbai and Rs 3000 from colleges within Mumbai. The demand draft shall be made in favour of "Dr DY Patil college of Law" payable at Navi Mumbai.

We request your kind participation in the competition

Thanking you

Yours Faithfully

Principal

Dr. Ajay Patil



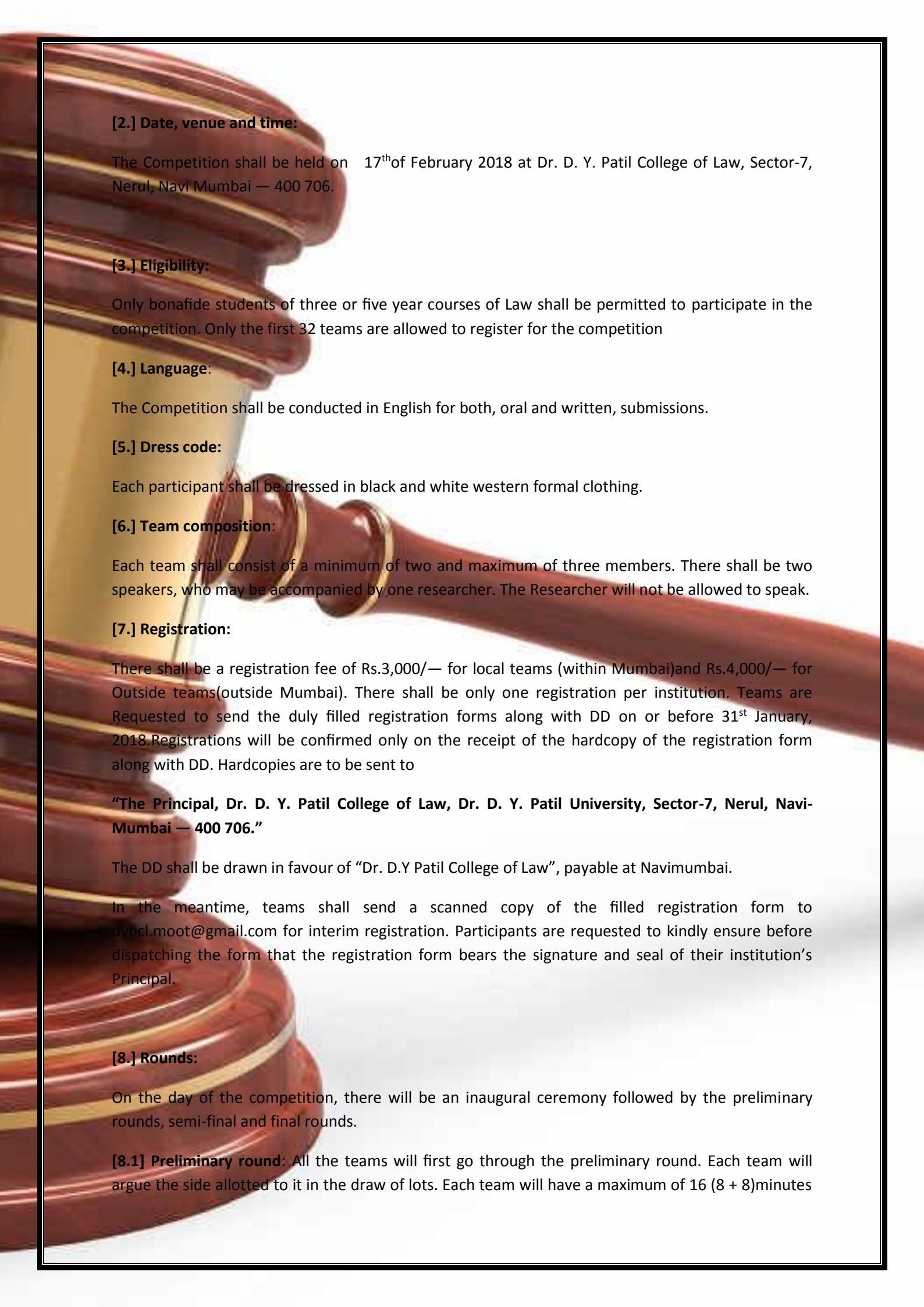
LITIGATIONS 2017-2018

Rules and Regulations

Sr. No.	Particulars
1	Introduction
2	Venue ,date and time
3	Eligibility
4	Language
5	Dress code
6	Team Composition
7	Registration
8	Competition Rounds
9	Memorials
10	Scoring Criteria
11	Awards
12	Accommodation
13	Code of Conduct
14	Programme ,Important Dates and Contact details

[1.] Introduction:

LITIGATIONS 2017 -2018 (hereinafter referred to as “The Competition”) is a National Moot-Court Competition conducted by Dr. D. Y. Patil College of Law(hereinafter “The Organizers”). The competition is organized every year and incase of any discrepancies, want of interpretation, the interpretation of the Organizers and the MCA in accordance with the judging faculty shall be final and binding.



[2.] Date, venue and time:

The Competition shall be held on 17th of February 2018 at Dr. D. Y. Patil College of Law, Sector-7, Nerul, Navi Mumbai — 400 706.

[3.] Eligibility:

Only bonafide students of three or five year courses of Law shall be permitted to participate in the competition. Only the first 32 teams are allowed to register for the competition

[4.] Language:

The Competition shall be conducted in English for both, oral and written, submissions.

[5.] Dress code:

Each participant shall be dressed in black and white western formal clothing.

[6.] Team composition:

Each team shall consist of a minimum of two and maximum of three members. There shall be two speakers, who may be accompanied by one researcher. The Researcher will not be allowed to speak.

[7.] Registration:

There shall be a registration fee of Rs.3,000/— for local teams (within Mumbai) and Rs.4,000/— for Outside teams (outside Mumbai). There shall be only one registration per institution. Teams are Requested to send the duly filled registration forms along with DD on or before 31st January, 2018. Registrations will be confirmed only on the receipt of the hardcopy of the registration form along with DD. Hardcopies are to be sent to

“The Principal, Dr. D. Y. Patil College of Law, Dr. D. Y. Patil University, Sector-7, Nerul, Navi-Mumbai — 400 706.”

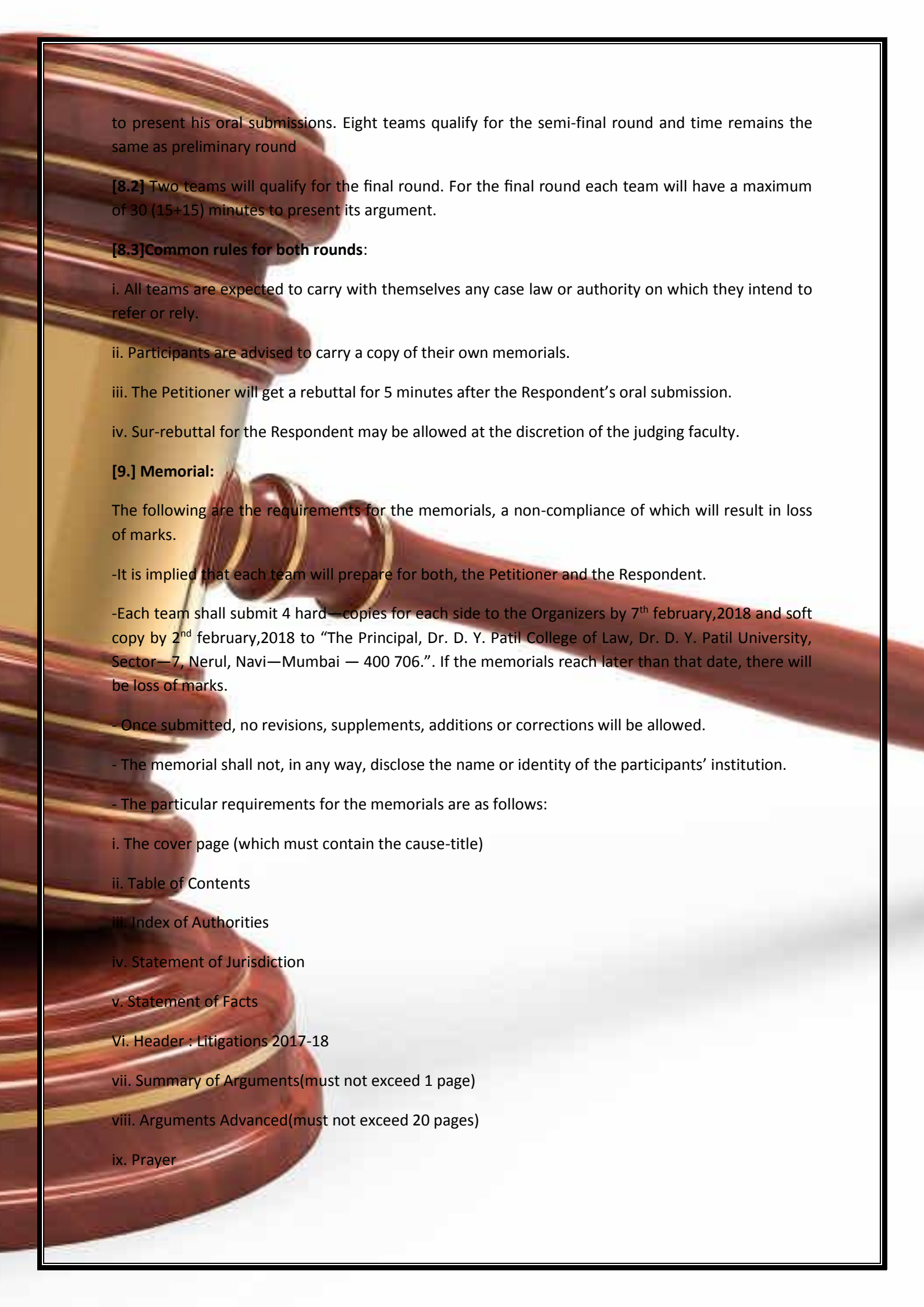
The DD shall be drawn in favour of “Dr. D.Y Patil College of Law”, payable at Navimumbai.

In the meantime, teams shall send a scanned copy of the filled registration form to dypcl.moot@gmail.com for interim registration. Participants are requested to kindly ensure before dispatching the form that the registration form bears the signature and seal of their institution’s Principal.

[8.] Rounds:

On the day of the competition, there will be an inaugural ceremony followed by the preliminary rounds, semi-final and final rounds.

[8.1] Preliminary round: All the teams will first go through the preliminary round. Each team will argue the side allotted to it in the draw of lots. Each team will have a maximum of 16 (8 + 8) minutes



to present his oral submissions. Eight teams qualify for the semi-final round and time remains the same as preliminary round

[8.2] Two teams will qualify for the final round. For the final round each team will have a maximum of 30 (15+15) minutes to present its argument.

[8.3] Common rules for both rounds:

- i. All teams are expected to carry with themselves any case law or authority on which they intend to refer or rely.
- ii. Participants are advised to carry a copy of their own memorials.
- iii. The Petitioner will get a rebuttal for 5 minutes after the Respondent's oral submission.
- iv. Sur-rebuttal for the Respondent may be allowed at the discretion of the judging faculty.

[9.] Memorial:

The following are the requirements for the memorials, a non-compliance of which will result in loss of marks.

-It is implied that each team will prepare for both, the Petitioner and the Respondent.

-Each team shall submit 4 hard—copies for each side to the Organizers by 7th february,2018 and soft copy by 2nd february,2018 to “The Principal, Dr. D. Y. Patil College of Law, Dr. D. Y. Patil University, Sector—7, Nerul, Navi—Mumbai — 400 706.”. If the memorials reach later than that date, there will be loss of marks.

- Once submitted, no revisions, supplements, additions or corrections will be allowed.

- The memorial shall not, in any way, disclose the name or identity of the participants' institution.

- The particular requirements for the memorials are as follows:

- i. The cover page (which must contain the cause-title)
- ii. Table of Contents
- iii. Index of Authorities
- iv. Statement of Jurisdiction
- v. Statement of Facts
- Vi. Header : Litigations 2017-18
- vii. Summary of Arguments(must not exceed 1 page)
- viii. Arguments Advanced(must not exceed 20 pages)
- ix. Prayer

The particular format for the memorials are as follows:

- i. On A4-sized paper
- ii. Font: Times New Roman
- iii. Size: 12 for body, 10 for footnotes
- iv. Line spacing: 1.5
- v. Margin: 1 inch from all sides
- vi. Header: "Litigations, 2017 — 2018"
- vii. Footer shall bear the page number
- viii. Cover page shall disclose the identity of the brief as of Petitioner of Respondent
- ix. Memorials for the Petitioner shall bear a blue cover page
- x. Memorials for the Defendant shall bear a red cover page

[10.] Scoring criteria:

The break-up of the scoring criteria is as follows:

Particulars	Marks
Submission of memorial on time	5
Compliance with memorial requirements	10
Oral arguments including skill of advocacy, i.e. persuasiveness, articulation and analytical skill	35
Knowledge of relevant laws, judgments and maxims	10
Knowledge of evidence, procedure and Court rules	10
Time adherence	5
Court etiquettes (respectful attitude towards judging faculty as well as colleagues/opponents)	5
Ability to answer questions from judging faculty	200
Total	100

[11.] Awards:

Participants will be competing for the following prizes:

- Best Team - Trophy and Cash Prize of Rs.7,000/-
- Best Speaker - Trophy and Cash Prize of Rs. 5,000/-
- Best Memorial - Trophy and Cash Prize of Rs. 3,000/-
- Runner-up Team - Trophy and Cash Prize of Rs. 5,000/-
- Runner-up Speaker –Trophy and Cash Prize of Rs.3,000/-
- Best Researcher— Trophy and Cash Prize of Rs. 3,000/-

All participants shall be provided with participation certificates

[12.] Accommodation:

Breakfast and lunch will be provided to all the teams. There shall be no accommodation for teams from Mumbai. The teams from outside Mumbai will be provided with overnight accommodation at their request (From 16th noon to 17th noon).At the time of interim or final registration, teams are requested to communicate to us their travel and accommodation plans in the e-mail or along with the registration form.

[13.] Code of conduct:

Scouting of any type will result in Disqualification. Teams are expected to conduct themselves in a disciplined and dignified manner. Behaviour of teams is a reflection on their institution. Deference and decorum must be maintained during the Competition and disqualifications will also be carried out in extreme cases. The Organizers, the MCA and the judging faculty reserve the final right to interpret these rules and their decision shall be equally binding on all the teams

[14.] Programme: The programme shall be as follows:

16thFebruary : Arrival of Teams from outside Mumbai, Draw of Lots(Please carry valid proof of Identity)

17thFebruary : Inaugural Ceremony and Preliminary, Semi, Final Rounds, Prize Distribution.

The following is a consolidation of the important dates for the Competition:

- Last date for registration: 31st January 2018
- Last date for submission of memorials: Soft Copy by 2-02-2018.Hard Copies by 7-02- 2018
- Date of Competition: 17thFebruary, 2018

In case of any queries, you may contact the following people:

- MCA Co-ordinator: Prof. Dr. (Mrs) Kalyanikutty
- MCA Secretary: Miss Malavika Jayakumar - 7738162818
- MCA Joint Secretary: Mr YashAyya - 9619684468



DR.DY PATIL COLLEGE OF LAW,NERUL,NAVIMUMBAI

REGISTRATION FORM

NAME AND ADDRESS,CONTACT NO AND EMAIL ID OF THE INSTITUTION:-----

SPEAKER 1 Name : -----

Contact No and Email id:-----

Course :-----

PHOTO

Speaker 2 Name : -----

Contact No and email id:-----

Course:-----

PHOTO

Researcher Name: -----

Contact No and email id:-----

Course: -----

PHOTO



DETAILS OF DEMAND DRAFT
AMOUNT:
DD NO:
DATE:
FAVOUR OF:
PAYABLE AT:
BANK NAME:
BRANCH:

DECLARATION

The afore named students are the bonafide students of our institution and have consent from the institution and their parents to participate in the competition

NAME OF THE HEAD OF THE INSTITUTION:-----

SIGNATURE:-----

SEAL OF THE INSTITUTION



MOOT PROPOSITION

Ahmad and Heena got married on 11-04-2001 as per Shariat, at Allahabad. Heena is unemployed and her father is a government employee. Heena performed her matrimonial duties intermittently, coming and leaving the matrimonial home from time to time. The matrimonial relationship between them resulted in the birth of two children, a son – Irfan (13 years old) studying in the 7th standard, and a daughter – Naaz (11 years old) studying in the 4th standard, both at Allahabad. Due to the demands of cash and car by Ahmad, Heena left her matrimonial home on 9.4.2015 in the company of her father – Iqbal and maternal uncle – Rizwan, along with her two children to live in her parental home at Uttarakhand. Ahmad continued to visit Heena for giving her maintenance, and for enquiring about her well-being. During June 2015 due to some differences Heena refused to accompany Ahmad to the matrimonial home. Ahmad, asked father of Heena to send her back to her matrimonial home. He was informed by her father, after a few days, that Heena was not inclined to live with him. On 07.07.2015 father of Heena, left the children with father Ahmad.

Ahmad approached the Court of the Principal Judge, Family Court at Allahabad, Uttar Pradesh, by preferring Matrimonial Case in 2015 with a prayer for restitution of conjugal rights. Heena, preferred Transfer Petition under Section 25 of the Code of Civil Procedure, 1908, read with Order XXXVI-B of the Supreme Court Rules, 1966, for the transfer of Matrimonial Case, filed by the husband pending at Allahabad, Uttar Pradesh, to the Principal Judge, Family Court, Kashipur, Uttarakhand.

Later Ahmad withdrew the suit preferred by him at Allahabad, and divorced Heena, by serving upon her a 'talaq-nama' dated 10.10.2015. The text of the 'talak-nama', is reproduced below:

Deed of Divorce

Dated 10.10.2015

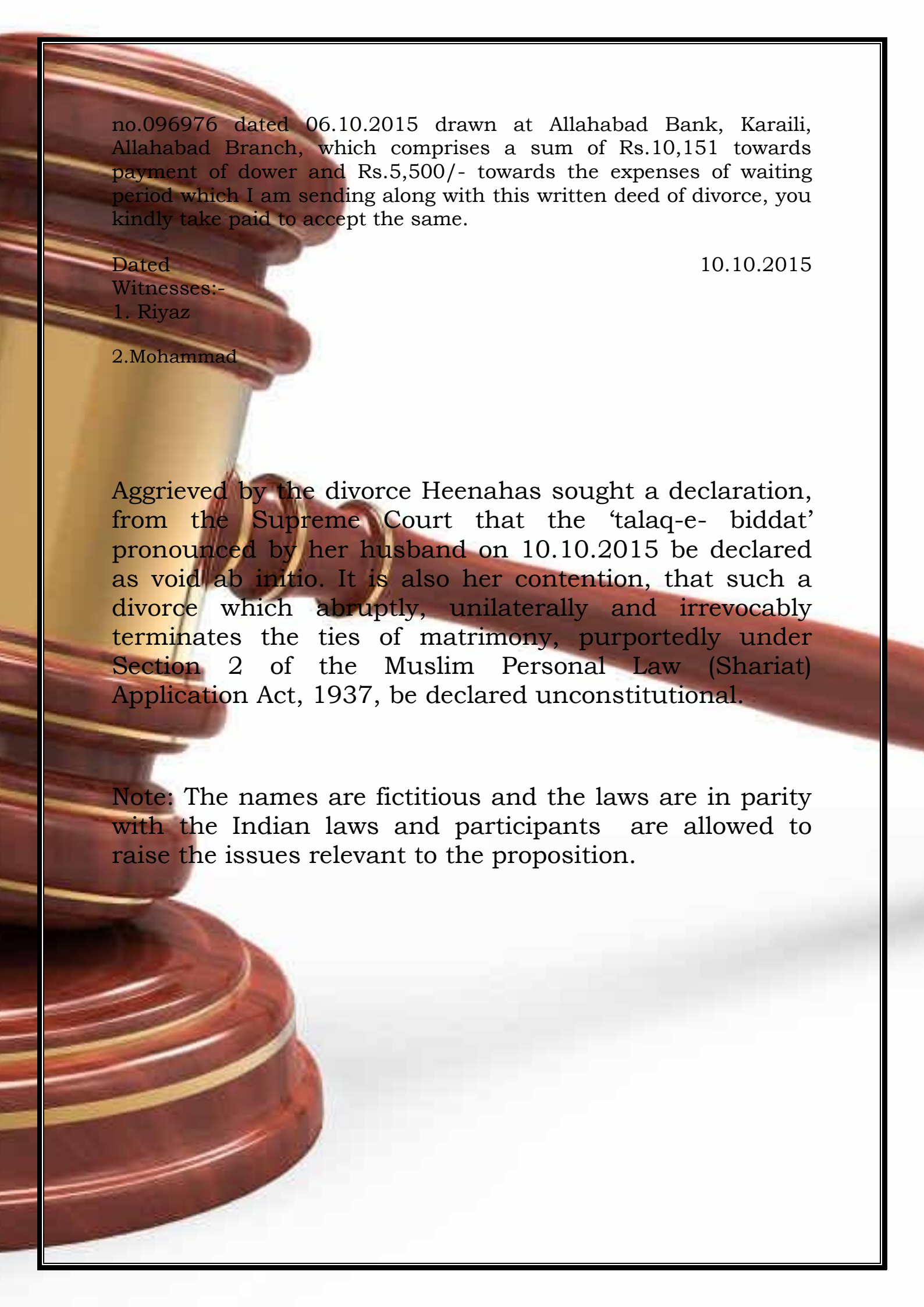
Madam,
HeenaD/o

Iqbal

Be it clear that I Ahmad married with you without any dowry to spend a peaceful and happy marital life. After marriage you came in my marital tie. From the relation between you and me two issues namely Irfan aged about 13 years and Nazaged about 11 years were born who are receiving education and living under my guardianship. With great sorrow it is being written that you, just after 6 months of marriage, with your unreasonable and against Shariah acts started to pressurize me to live separately from my parents. I, in order to keep you happy and as per your wish started to live at a rented house at MohallaGhausnagar and while working as a clerk under a builder tried my level best to spend peaceful marital life with you and children. However, you, in an unreasonable manner and against Shariah continued to create problem and quarrel in house on regular basis. When you were asked the reason in a very affectionate manner about two years ago, you had put a condition that you wanted to live at your parents place. I being a person from a self-respecting family refused to live as 'son in law living at in-laws house'. Then you, under the influence of your parents, continued to fake various mental and physical pains and continued to behave like a mental patient. When tried to know the reason then you after much difficulty told that you had met with a serious accident before marriage. I for the sake of my children and you tolerated that. I became desperate from your

persistent demand of living at your parental house and your being of stubborn nature, your giving threat of implicating in false case and threat of inflicting injury to yourself and of consuming poison and implicating me in false case on that count given on daily basis and complained about the same to your paternal uncle. But your father replied that whenever you do such acts sleeping pills be given to you. I found this very baffling, upon asking your father told that since the time before your marriage you had been under treatment for mental ailment. I ignored such a big incident and the information received about you. Resultantly you became audacious in your behaviour. When reported all these things to your father, your father told me that this is the time of children's holidays and you be sent to your parents house with children. You take them back after the atmosphere is changed and summer vacations are over. Acting on the words of your father I left you at your parents place along with children and while going, you took away gold jewellery given by me including a gold neck set of two Tolas, gold bangles of one and a half Tola, two gold rings of half Tola and cash Rs.15,000/-. I continued to visit you for enquiring your wellbeing and giving you expenses from time to time. That in the month of May and June when I tried to bring you then you gave excuses and pleas. I continued to make repeated attempts between May to July to bring you back but ultimately on 03.07.2015 you clearly refused to return and on 07.07.2015 your father brought both the children at Allahabad Railway Station and left them there informing me and gave threat on phone that either you will come here and live or shall perform the role of father and mother of both the children. In this regard when I enquired from you then you also refused to return in clear words and said to the extent that you raise the children and forget me or separate from me to bring another mother for the children. On this also I could not satisfy myself, whereupon I filed a suit for bringing you back. After receiving notice, out of the blues you threatened me on phone that I will soon file a case and will tell you how a son in law is kept at the in-laws house. Being fed up with your unreasonable conduct and against Shariah acts I found it better to separate from you, therefore, I on 8.10.2015 applied for dismissal of the suit for bringing you back and now I, in my full senses and in the presence of marginal witnesses, release you from my marriage in the light of Shariah through tripletalaq by uttering 'I give talaq', 'I give talaq', 'I give talaq'. From today the relation of husband and wife forever ends between you and me. After today you are unlawful for me and I have become unlawful for you. You are free to spend your life the way you want.

Note: So far the question of your dower (Mehr) and expenses of waiting period (iddat) that I am paying through demand draft



no.096976 dated 06.10.2015 drawn at Allahabad Bank, Karaili, Allahabad Branch, which comprises a sum of Rs.10,151 towards payment of dower and Rs.5,500/- towards the expenses of waiting period which I am sending along with this written deed of divorce, you kindly take paid to accept the same.

Dated

10.10.2015

Witnesses:-

1. Riyaz

2. Mohammad

Aggrieved by the divorce Heenahas sought a declaration, from the Supreme Court that the 'talaq-e- biddat' pronounced by her husband on 10.10.2015 be declared as void ab initio. It is also her contention, that such a divorce which abruptly, unilaterally and irrevocably terminates the ties of matrimony, purportedly under Section 2 of the Muslim Personal Law (Shariat) Application Act, 1937, be declared unconstitutional.

Note: The names are fictitious and the laws are in parity with the Indian laws and participants are allowed to raise the issues relevant to the proposition.

LITIGATIONS 2015-16



DEBATE COMPETITION 2017-2018





MOOT COURT ASSOCIATION 2017-2018



MALAVIKA JAYAKUMAR

MCA SECRETARY



YASH AYYA

MCA JOINT SECRETARY



DR.DY PATIL COLLEGE OF LAW



Founder President- Padmashree Dr.D.Y. Patil

D. Y. Patil Vidyanagari, Sector-7, Nerul, Navi Mumbai-400706

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