

KCE SOCIETY'S S.S.MANIYAR LAW COLLEGE, JALGAON
NAAC REACCREDITED WITH 'A' GRADE

Date: 22-12-2017

To,
Dear Sir/Madam

Sub: **Dr. Annasaheb G.D.Bendale Memorial 13th National Moot Court**
Competition on Feb 2018.

It gives us immense pleasure to inform you that the K.C.E. Society's S.S. Maniyar Law College, Jalgaon organizes the **Dr. Annasaheb G. D. Bendale Memorial 13th National Moot Court Competition** on **24th and 25th February 2018** at our college.

We invite your prestigious and esteemed institution to participate in the said competition.

S.S.Maniyar Law College is one of the Pioneer Institute in the field of legal education which is located in Jalgaon at Khandesh region of North Maharashtra. Jalgaon is very prominent centre for cultural literary and learning. It situates in the main route between Mumbai - Nagpur, Mumbai- Delhi, Bangalore- Delhi, Mumbai -Howrah and Ernakulam – Nizamudin. The Head Quarters of Jalgaon district, where the college situates, is nearby Bhusawal the divisional head quarters of central railway. The world famous Ajanta caves are located only 50k.m.away from Jalgaon.

With great pleasure we invite you to participate in the competition. The Registration form, the rules and other details of the competition along with moot problems are enclosed here with.

Thank You.

Yours Faithfully

Prof.Dr.Vijeta Singh
Co-ordinator

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Principal

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**Dr. Annasaheb G.D. Bendale Memorial 13th National Moot Court
Competition, 2018**

24th - 25th February 2018

MOOT PROBLEM



Hosted By,

**Khandesh College Education Society's
S.S. Maniyar Law College,
I.M.R. Campus, Ring Road, Jilha Peth
Jalgaon-425001 (MS)**

MOOT PROBLEM

George & Another *versus* Somesh & Another

Mr. George, resident of State of Capricorn, who owned 8 acres of agricultural land under survey no.7777, filed a suit bearing R.C.S. No.420/2011 before the Civil Judge Junior Division, at State of Capricorn, for Declaration and Injunction against Mr. Joseph on the ground that he is the sole owner of the agricultural land in dispute. On receipt of summons, Mr. Joseph appeared before the said Court and engaged a lawyer to conduct his case. Mr. Joseph not only opposed the suit claim but also filed a counter claim against Mr. George for Declaration and Injunction in respect of the said property.

The suit was decreed in favour of Mr. George declaring him as the owner of 8 acres of agricultural land and restrained Mr. Joseph from interfering with peaceful enjoyment of the said agricultural property of Mr. George.

Aggrieved by the judgment and decree in R.C.S. no. 420/2011 Mr. Joseph filed Regular Appeal before the First Appellate Court, at State of Capricorn. On receipt of Appeal Notice, Mr. George engaged Adv. Somesh a famous civil lawyer in the State of Capricorn to represent and argue his case before the Appellate Court. Mr. George paid Fifty Thousand rupees as initial fee to Adv. Somesh.

When the Appeal was posted for hearing, Advocate representing Mr. Joseph argued the matter and completed his side. However, Adv. Somesh sought several adjournments to argue on behalf of Mr. George. He did not turn up to argue even when it was posted for final argument.

The Appellate Court reversed the finding of the trial court and decreed the counter claim of Mr. Joseph in R.C.S. no. 420/2011. The Appellate Court in its judgment noted the absence of

Respondent's Adv. Somesh during the course of argument and pointed out that the Court had no assistance from Respondent's Advocate in deciding the matter.

The judgment of the Appellate Court was death knell for Mr. George as the land in dispute was life line for him and his family.

Mr. George enquired with his Advocate about his absence during hearing of the Appeal but did not get a satisfactory answer. However, Adv. Somesh advised Mr. George to file Second Appeal against the Judgment of the First Appellate Court and referred the name of Adv. Anthony. Mr. George followed his advice and engaged Adv. Anthony for filing Second Appeal and paid rupees One Lakh as initial fee.

Adv. Anthony took his own time to file Second Appeal and by the time Second Appeal was filed, the limitation period was over. Thereafter, he filed Second Appeal along with an Application to condone the delay.

The Second Appellate Court dismissed the Appeal on the ground of limitation period since no sufficient cause was shown for condoning the delay. Adv. Anthony advised Mr. George to approach the Supreme Court.

Mr. George virtually had no means to continue the litigation before the Supreme Court as he had lost all the money in litigation. Mr. Joseph spared no time to execute the decree passed in his favour by the First Appellate Court and took possession over the land in dispute.

Having lost agricultural land, which was life line for him and his family due to inefficiency and negligence of his Advocates, Adv. Somesh and Adv. Anthony, Mr. George filed a case against them before the National Consumer Disputes Redressal Commission (NCDRC), at State of Capricorn for deficiency of service and claimed One crore rupees as compensation.

Mr. George argued that there was 'deficiency of service' on the part of both the Advocates who failed to pursue his case before the Appellate Courts in an efficient and professional manner. He also contended that both the advocates were highly negligent, one of them did not argue his case before the First Appellate Court and the other advocate failed to file Second Appeal in time before the High Court and got it dismissed at the threshold, as result of

which he had lost his property and means of livelihood. On notice, both the advocates appeared and argued that, advocates are immune from any legal action under the Consumer Protection Act, 1986 of State of Capricorn, as Mr. George is not a 'Consumer' under the Act and their relationship as client and advocate is a 'Contract of personal service' and not a 'Contract for personal service.' They argued that they are merely his agents and represented him in the Court and are Officers of the Court and no legal action can be initiated for actions done in the course of judicial proceeding. Further, it was argued that, it is for the Court to decide the case on its merit and no advocate can guarantee the result.

The NCDRC, however, allowed the claim of Mr. George holding that there was 'deficiency of service' and awarded One crore rupees as compensation and directed both the advocates to pay together the award amount within two months from the date of the order.

The said order created havoc among the legal fraternity and became national news. Within two months of passing of this Order there were two thousand cases filed against advocates across the country before consumer forums for deficiency of service.

Both the advocates approached the Supreme Court of State of Capricorn against the award of NCDRC and contended that among other things that the said award is also in violation of Article 19 (1) (g) of the Constitution of State of Capricorn. The Supreme Court issued stay against the operation, execution of the award.

Now the case is set for hearing before the Supreme Court of State of Capricorn

Issues:

1. Whether the Advocates fall within the provisions of the Consumer Protection Act, 1986 of State of Capricorn?
2. Whether the award is in violation of the fundamental right to practice any profession, or to carry on any occupation as contemplated under Article 19 (1) (g) of the State of Capricorn?

Note: The Laws of State of Capricorn is similar as State of India

S. S. MANIYAR LAW COLLEGE, JALGAON

Dr. Annasaheb G.D.Bendale Memorial

13th NATIONAL MOOT COURT COMPETITION.

24th & 25th Feb, 2018

RULES GOVERNING THE COMPETITION

1] Name of the competition:

Dr. Annasaheb G.D.Bendale Memorial 13th National Moot Court Competition.

2] Organizers:

K.C.E. Society's S.S.Maniyar Law College, Jalgaon.

3] Venue: The competition will be held at S.S.Maniyar Law College, Jalgaon.

4] Date: - --24th & 25th Feb--, 2018

5] Subject matter: Hypothetical problem / decided case

6] Eligibility and Registration:

Teams from Law Colleges recognized by Bar Council of India will be eligible to participate in the competition. The member of each team should comprise of the law students who are at the time of competition pursuing their bachelors' degree in either 5 years LL.B programme or 3 years LL.B programme. The participating team is required to send a D.D. for Rs. 500/- towards the registration fee payable at Bank of India, Jalgaon, Ring road Branch and IFSC: BKID0000672, A/C No 067210100003126 in favour of the Principal S.S.Maniyar Law College, Jalgaon.

7] The last date for registration will ---10th February, 2018.

Address to which Registration Forms Shall Reach: Principal, S.S.Maniyar Law College, IMR Campus, Jalgaon, North Maharashtra, 425001

8] The organizing committee will have the sole and absolute discretion to short list of the Participants. The decision of organizing committee will be final and binding on all concerned.

9] The short listed teams will be required to reconfirm their participation and their acceptance of being bound by the rules of the competition within the time stipulated by the organizing committee

TEAM COMPOSITION

Each team shall comprise of two speakers and one researcher. The team shall send their particulars to the organizers by the dates to be decided by the administrators, on the college letterhead duly signed by the Principal/Directors/Dean as the case may be. The teams may additionally send their particulars by email to organizers.

LANGUAGE

The competition shall be conducted strictly in English.

ACCOMMODATION AND TRAVEL

1. The organizers will not be responsible for making travel arrangements or providing any charges whatsoever for teams participating in the competition.
2. Teams requiring transfer from and to hotel on arrival/departure would be required to provide clear details and particulars of arrival and departure details. The details of arrival of each team must be communicated to the organizers before **18th Feb-2018** if accommodation is needed.
3. The organizers will not be responsible for providing accommodation or transfer to any other accompanying person with the team.
4. The organizers will not be responsible for providing or arranging transport or accommodation for teams arriving prior to **-23rd** & going after **26th Feb 2018**.
5. **Participating Teams are requested to reserve their Train tickets well in advance and make their travel comfortable.**

COMPETITION ROUNDS: (subject to change)

- 1) There shall be two preliminary round including quarterfinal of arguments per team, one from each side
- 2) There shall be semi final round of four teams as per the rank they got in the quarterfinals.
- 3) Final Round.

MEMORIALS

- (1) Each team shall submit memorials / written submissions for both sides, Appellant in Red colure & Respondent in Blue.
- (2) Each team shall submit typed memorials containing the following as per number of pages mentioned in brackets.
 - (a) Cover page containing cause title (1).
 - (b) Index (1)
 - (c) Index of authorities (1-2)
 - (d) Statement of Facts (2)
 - (e) Summary of Arguments (1-2)
 - (f) Body of Arguments (7)
 - (g) Conclusion/ Prayer (1/2-1)

(3) The teams shall strictly observe the size of memorial.

(4) The memorial shall be typed on A4 size page in Font type: Times New Roman Font size; 12, double spacing and 1 inch margin on each side.

(5) Each team is required to submit six copies of memorial and compilation (if any) for each side. The hard copies of the memorials six copies each from both the sides in both cases must be reached to the address: **Principal, S.S.Maniyar Law College, IMR Campus, Jalgaon, North Maharashtra, 425001** on or before **15th Feb, 2018-Late submission will affect the marks for memorials.** The soft copy of the memorial shall also be sent through e-mail to the organizers.

ORAL SUBMISSIONS

Each team shall get a total of 30 minutes to present their case during the preliminary / quarterfinal / semi final rounds and in final round.

1. The division of time is at the discretion of the team members, subject to a maximum of 15 minutes per speaker during the preliminary / quarter –final / semi – final rounds and 15 minutes per speaker during the final round.
2. The division of time must be communicated to the organizers at the orientation and to the court officer before commencing arguments.
3. There shall be warning bell three (3) minutes before the competition of the allocated time for each speaker and there shall be a final bell on the completion of the allocated time.
4. If any speaker continues to speak after the completion of the allocated time, the additional time which he or she speaks for will be deducted from the time allocated to his or her co-speaker, as the case may be. However, no speaker shall be allowed to present his argument beyond the maximum time.
5. Each speaker must introduce himself or herself to the court using only his identification code and team code given to him at the time of orientation.

SCORING FOR MEMORIALS.

1. The marking criteria for memorials shall be as provided herein under.

Criteria	Marks Allotted
Adhering to specifications on memorial	10
Substance of memorial (including legal research)	40
Presentation skills	20
Application of facts to the law	20
General Organization	10
Total	100

SCORING FOR ORAL SUBMISSIONS

- Each speaker will be marked on a total of 100 marks per judge in each round aggregating to 200 marks.
- The team score shall be the total marks awarded to both speakers.
- The marking criteria for oral submissions shall be as provided herein under.

Criteria	Marks Allotted
Knowledge and Application of law	10
Answer to Court Questions	40
Advocacy/ Presentation	20
Perusal of facts	20
Perusal of Memorials in the Course of Oral Submissions	10
Total	100

JUDGES

Judges for the competition will be selected by the organizing committee

SCOUTING

- (a) No member of any team will be permitted to hear the arguments in any court rooms in which that team is one of the contesting teams whilst that team is still in the competition. They shall remain present in the lounge provided for them.
- (b) No member of any team shall interact with any person except fellow participants and the organizers
- (c) Any team found in the violation of the above-mentioned rule shall be disqualified forthwith.
- (d) Team found attempting to approach and influence judges Administrators or organizers shall be disqualified

MISCELLANEOUS

All participants are expected to maintain the decorum in the court during the competition and are expected to conduct themselves in a manner befitting the legal profession.

- (a) The organizers reserve the right to take appropriate action for any unethical, unprofessional and immoral conduct.
- (b) The dress code for the Participant shall be as prescribed for the Advocate.

INTERPRETATION OF RULES

- (a) The organizing committee's decision as regards the interpretation of rules or any other matter related to the competition will be final.
- (b) If there is any situation, which is not contemplated in the rules, the organizing committee's decision on the same shall be final.
- (c) The organizers reserve the right to vary, alter, modify, or repeal any of the above rules if so required and as they deem appropriate.

DISPUTES

- (a) The teams seeking participation or participating in the competition shall honour and respect the spirit of the competition and endeavour to conduct by themselves accordingly.
- (b) In case of any dispute or difficulty arising out of or during the course of the competition, the organizing committee shall have the sole and absolute authority to remove such difficulty and resolve the dispute.

FORCE MAJURE

The organizers reserve absolute right to cancel, defer or postpone indefinitely, the competition in the event of the accruing of any such incident or accident, natural or man caused.

DISCLAIMER

- (a) Notwithstanding anything stated in the rules, the competition is the sole and overall responsibility of the organizers.
- (b) The organizers shall not be responsible for any dispute arising out of the team selection process in the colleges.
- (c) All material in the moot problem is fictitious and any resemblance to any incident or person, if any, is not intentional, but merely coincidental.

The Organizers will award the following prizes:

PRIZES		
1	Winners	Cash Prize of Rs.3000/, Dr. Annasaheb G.D. Bendale Memorial ever rolling Trophy to the team and Certificate
2	Runner up	Cash Prize of Rs. 2000/, Ever Rolling Trophy and Certificate.
3	Best Male Student Advocate	Cash Prize of Rs. 1000/- (Individual) and Certificate
4	Best Female Student Advocate	Cash Prize of Rs. 1000/- and Certificate
5	Best Memorial	Cash Prize of Rs. 1000/- and Certificate

UNDER TAKING

The Winners and runners up are required to sign an undertaking with regard to make the trophies available back to the organizers of the competition within the stipulated time prior to the next competition.

Relevant Dates to be remembered

- 1) Last date for Receipt of registration with Fee: 10th Feb 2018.**
- 2) Last Date for Submission of Memorial: 15th Feb 2018.**
- 3) The details of arrival of each team must be communicated to the organizers – 18th Feb 2018.**
- 4) Orientation to participants at venue -23rd Feb 2018 (7.30 P.M)**
- 5) Events: 24th & 25th Feb 2018 i.e. Saturday & Sunday.**

CONTACTS:

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S. S. MANIYAR LAW COLLEGE, JALGAON
Dr. Annasaheb G.D.Bendale Memorial
13th NATIONAL MOOT COURT COMPETITION.
24th & 25th Feb, 2018

REGISTRATION FORM

Name of Speaker -01		Photo
Class		
Address		
Phone and e.mail		

Name of Speaker -02		Photo
Class		
Address		
Phone and e.mail		

Name of Researcher		Photo
Class		
Address		
Phone and e.mail		

Certificate

This is to certify that the Mooters and researcher, above named are the bona fide students duly enrolled in this college / institution.

Signature and Seal
Principal / Head the Institution.

Photographs should be signed by the Speaker and attested by the Principal / Head of the concerned institution.