

**S. S. MANIYAR LAW COLLEGE, JALGAON**

**Dr. Annasaheb G.D.Bendale Memorial**

**15<sup>th</sup> NATIONAL MOOT COURT COMPETITION.**

**22<sup>nd</sup> & 23<sup>rd</sup> Feb, 2020**





**Dr. Annasaheb G.D.Bendale Memorial**  
**15<sup>th</sup> NATIONAL MOOT COURT COMPETITION**  
**KCE SOCIETY'S S.S.MANIYAR LAW COLLEGE, JALGAON**

To,  
Dear Sir/Madam,

Date: 17-12-2019

Sub: Dr. Annasaheb G.D. Bendale Memorial 15<sup>th</sup> National Moot Court Competition on Feb 2020.

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 15<sup>th</sup> National Moot Court Competition on 22<sup>nd</sup> and 23<sup>rd</sup> February, 2020 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 Ernakulum – Nizamudin. The Headquarters of Jalgaon district, where the college situates, is nearby Bhusawal the divisional headquarters 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**

**Dr.B.YuvakumarReddy**

**Principal**

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**Moot Problem**

**Anil Sharma -----Appellant**

*Versus*

**Sunanda Sharma----- Respondent**

1. The Appellant filed the writ petition against the order passed by the Hon'ble Delhi High Court, thereby setting aside the judgment passed by the District Court declining to award the maintenance pendente lite to the respondent and also make the addition to 10,000/- which the appellant is already paying as interim maintenance as per the order of the lower court under section 23 (2) of the Protection of Women from Domestic Violence Act.
2. The facts of the writ petition are to the effect that according to the appellant his marriage with the respondent was solemnized on 16.02.2005. Thereafter, she was residing with the appellant at Delhi. Thereafter, on account of strained relations with the respondent in the marital life the appellant filed a divorce petition in 2007 under the Hindu Marriage Act seeking divorce on the grounds of cruelty.
3. Thereafter, as counter the respondent filed a petition under the Domestic Violence Act and prayed for interim maintenance under the same. Also the respondent filed a complaint on 23.11.2007 under Section 498-A and Section 406 Indian Penal Code against the Appellant and family members which was later on registered as FIR with the Delhi Police Station. In December, 2007, Respondent filed another complaint under section 125 Code of Criminal Procedure before the Family Court, Delhi. Her interim application seeking maintenance amongst other reliefs under Section 23 (2) of the D.V. Act was dismissed by the Metropolitan Magistrate, Delhi on the ground that the Respondent was employed and was getting a stable income and that no document was placed on record by the Respondent to show that Respondent had again become jobless. Against the dismissal of application for maintenance, the Respondent had filed criminal appeal before Additional Sessions Judge, Delhi. In the said appeal and in Criminal Revision, Additional Sessions Judge, Delhi by an order dated granted maintenance of Rs. 10,000/- per month to the Respondent.
4. In the pretext of arrest the Appellant filed an application under Section 438 Code of Criminal Procedure for grant of anticipatory bail. The High Court granted anticipatory bail to the Appellant subject to conditions.
5. The Respondent filed application under Section 24 of the Hindu Marriage Act claiming interim maintenance pendente lite of Rs. 4,00,000/- per month and also a sum of Rs. 80,000/- to meet litigation expenses during the pendency of the divorce petition. In the said application, the contention of the Respondent that she has no source of income and totally-



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-depending on the appellant to maintain herself and therefore respondent claimed interim maintenance. This application came to be resisted by the appellant and submitted that the respondent is an educated lady and that she had completed her one year course of Fashion. Therefore, she is able to maintain herself. The application filed Under Section 24 of the Hindu Marriage Act was dismissed by lower court. Being aggrieved, the Respondent filed Criminal Miscellaneous Application before the High Court, Delhi. The High Court in its order directed both the parties to file an affidavit truthfully disclosing their correct income. Both the appellant and respondent submitted an affidavit as to their income in compliance of the aforesaid order. The Hon'ble High Court by the impugned order directed the Appellant to pay interim maintenance of Rs. 60,000/- per month in addition to Rs. 10,000/- which was directed to be paid to the Respondent in the proceedings under the D.V. Act, 2005.

6. The Appellant being aggrieved by the order of Hon'ble High Court, Delhi the Appellant came in appeal before Supreme Court.

Argue the case on both sides before Supreme Court.

Note: Indian Laws will be applicable for the petition.



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**RULES GOVERNING THE COMPETITION**

**1] Name of the competition:**

Dr. Annasaheb G.D.Bendale Memorial 15<sup>th</sup> 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: - 22<sup>nd</sup> & 23<sup>rd</sup> Feb 2020**

**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. or online payment for Rs. 800/- 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 ---5<sup>th</sup> Feb, 2020.**

**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



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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 **18<sup>th</sup> - Feb 2020** 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 **-21<sup>st</sup> & going after 23<sup>rd</sup> Feb 2020**.
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 /petitioner in Blue colure & Respondent in Red.
- (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)



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(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 **10<sup>th</sup> Feb, 2020-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



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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.

<b>Criteria</b>	<b>Marks Allotted</b>
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
<b>Total</b>	<b>100</b>

**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.

<b>Criteria</b>	<b>Marks Allotted</b>
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
<b>Total</b>	<b>100</b>





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**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.



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**FORCE MAJURE**

The organizers reserves 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.

- (a) The organizers shall not be responsible for any dispute arising out of the team selection process in the colleges.
- (b) 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:**

<b>PRIZES</b>		
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

**UNDERTAKING**

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: 5<sup>th</sup> Feb 2020.**



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- 2) Last Date for Submission of Memorial: 10<sup>th</sup> Feb 2020.
- 3) The details of arrival of each team must be communicated to the organizers – 18<sup>th</sup> Feb 2020.
- 4) Orientation to participants at venue -21<sup>st</sup> Feb 2020 (6.00 P.M)
- 5) Events: 22<sup>nd</sup> & 23<sup>rd</sup> Feb 2020 i.e. Saturday & Sunday.

**CONTACTS:**

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Chief Co-ordinator  
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Student Coordinator

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**REGISTRATION FORM**

Name of Speaker -01		<b>Photo</b>
Class		
Address		
Phone and e.mail		

Name of Speaker -02		<b>Photo</b>
Class		
Address		
Phone and e.mail		

Name of Researcher		<b>Photo</b>
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.



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