

MOOT PROPOSITION 2021

- 1) Sandeep a Hindu who hails from New Delhi, is a software engineer by profession. Upon completion of his studies he picked up a job with one of the leading Multi National Companies. Due to his dynamic leadership skills he is promoted to team leader position in no time.
- 2) Anjali, a Hindu born and brought up in New Delhi. She was pursuing her MBBS when her father suddenly fell ill. Her father expressed his last wish was to see her get married and have a family of her own.
- 3) Even though Anjali was not mentally prepared to get married, she gave in to her father's wishes and consented on getting married .Sandeep and Anjali's marriage was solemnized in 2000 at New Delhi, as per Hindu rites and rituals under Hindu Marriage Act 1955.
- 4) At the time of marriage Anjali had expressed her desire to continue with her education after their marriage, to which no one from Sandeeps family expressed any apprehension to, in that moment. After marriage Anjali continued her studies, Sandeep did well at his job and was soon promoted.
- 5) It proved arduous for Anjali to manage both, her studies and her domestic responsibilities. At times her in-laws would insist on her staying back at home for flimsy reasons and miss her classes. Anjali was criticized every now and then for being too busy with her studies, she was never appreciated for all the work that she did at home .Her in-laws were critical of her work and she was often insulted in front of others .Even then Anjali tried her best to win the hearts of Sandeep parents, but nothing worked .All this led to regular arguments between the couple.
- 6) Despite of these over –bearing circumstances at home Anjali, who was very passionate and keen on becoming a doctor tried to keep her morale high and carried on with her studies on the side. Sandeep got too engrossed in his job and would hardly give Anjali anytime.
- 7) Meanwhile at work Sandeep gets a very lucrative job offer from the Silicon Valley in USA which he believes would be a very crucial career growth for him. Anjali had by this time had completed her education and landed a resident position at a local hospital.
- 8) Due to the conservative mindset of Sandeeps family, Anjali is forced to quit her job and move to USA as their decision to maintain a long distance relationship was not acceptable to Sandeeps family.
- 8) On reaching USA in 2003, Sandeep joins his new job and is very pleased with his decision to move here. Anjali on the other hand is not qualified to practise in USA unless she studies and clears her US medical Board Exam. The fee for her course was beyond their ability of

finances. Anjali on Sandeeps insistence asks her widowed mother in India to arrange for the sizeable amount needed for her course.

9)Anjalis mother who is not of a very sound financial status herself learns of her daughters problems with husbands denial to pay for her course and agrees to send her the money. She has no other option but to mortgage her house to raise the said amount.

9) Anjali over the next few months studies hard and qualifies all pertinent examinations, allowing her to work and practise in USA. She lands a job with a hospital in the city. With her life getting a little settled she had developed a keen realisation that it is the appropriate time for her to have a child which she starts discussing frequently with Sandeep. Sandeep who believes it is too soon for them to have a child as they are financially not settled in a new country .This leads to frequent quarrels among them.

10) Over the next couple of years both of them reach substantially sound positions at their jobs and also manage to obtain citizenship of the USA in 2010.

11) Having settled in properly they begin their attempts at starting a family which somehow doesn't work out for them. They seek medical help, which yields no results for them. Upon prolonged consultation with the family they finally a conclusive plan which is to travel to India and get their child born through surrogacy and eventually bring him/her with them to USA.

12) In 2013 after arriving in India they approach a near relative to act as a surrogate mother. They are unable to convince blood relatives to carry their child. Women on both sides of the family are apprehensive about undergoing the procedure, to carry their child. The couple have gone as far as possible in the line of distant cousins with no success in receiving acceptance of a surrogate mother for their child.

13) After much perusal Sandeep and Anjali find a surrogate candidate that both of them approve of. In February, an artificial fertilization was carried out on the surrogate mother Ms Priya selected to carry the child. At the time the fertilization procedure was being executed it was decided, verbally between Sandeep , Anjali and Priya that Priya would have no right over the child. Also that she would have no access to the child any time in the future .Thereafter Sandeep and Anjali returned to USA.

14) In 2014, a baby girl was born to the surrogate mother in New Delhi and both Sandeep and Anjali returned to India and were present at the hospital at the time of the birth of the baby. Having been born a few weeks premature the doctors advise the parents that the baby should not be made to travel for the first few months.

15) Anjali leaves back for USA as she is required to join back at work .Whereas Sandeep stayed back in New Delhi with Priya, as he is allowed to work from home.

16) While acting as a primary care giver for Priya and his daughter, Sandeep ends up spending most of his time with both of them. This eventually leads to Sandeep and Priya

getting attached to each other's company and they soon get involved in a romantic relationship.

17) As Sandeeps relationship with Priya develops, his emotional dependence on Anjali starts fading and he starts ignoring her phone calls and messages. Anjali senses the change in his behaviour and is able to deduce that something is wrong .She decides to visit India to meet their daughter and clarify things with Sandeep.

18)On arrival at the airport Sandeep doesn't come to pick her up and upon reaching her in-laws home she finds out that Priya has moved in to their home to provide the best care for the child. This revelation leaves Anjali very disturbed as she feels betrayed not only by Sandeep but his entire family.

19) In the following days she tries to clarify things with Sandeep about the change in his behaviour. This leads to heated arguments and fights between them.

20) Sandeep reaches the conclusion that the relationship he had with Anjali was now over.

16) In the meantime Priya claimed that she did not want to give up the custody of the child as she had become emotionally attached to the child.

ISSUES

1) Sandeep files for divorce .

2)Anjali files for Restitution of Conjugal Rights and custody of the child.