

**5th SURANA & SURANA AND ARMY INSTITUTE OF LAW
NATIONAL FAMILY LAW MOOT COURT COMPETITION 2024**

15th March – 17th March 2024

Joint Organizer



Surana & Surana
International Attorneys

Host & Joint Organizer



Army Institute of Law
Mohali

Venue
Virtual (Online)

**Army Institute of Law,
Sector 68. Mohali,
Punjab, India-160062**
Email: ailsurana2024@gmail.com

PROPOSITION

1. Sidhant and Ambika worked at Zebra Solutions, an IT company at Bangalore since 2015. Both of them had been friends since college days and after joining their jobs decided to get married with the approval of their families in 2017. They were blessed with a baby boy named Armaan in December 2018.
2. Ambika is a very independent and outgoing girl who loved parties and Clubbing. She belonged to an upper middle-class family and her father had an export-import garment business based in New Delhi. She had a huge friend circle with whom she would spend most of her time. Akaash was a common friend of her and Sidhant. Akash's father had a small Business in Noida. Akash was very close to Ambika and even liked her during college days.
3. Sidhant is from an affluent family of Kolkata. Since college days Sidhant had a drinking habit and Ambika always used to tell him that one day, he would become an alcoholic. His parents passed away in an accident in September 2018. He has an elder Sister named Sakshi who is unmarried and is a lecturer in a private college. Sidhant after death the of their parents slipped into depression and had to consult psychiatrist, who put him on medication. He has an ancestral bungalow which is more than 100 yrs. old. He, also, owns a palatial house, a Showroom which is rented at the rate of Rs 2 Lakh per month. The father left an unregistered Will leaving all the properties to Sidhant, Sakshi and the child of Sidhant and Ambika.
4. During the period of corona when work from home had to be done Sidhant never contributed to the household chores and rather his drinking became worse and he became irritable as he was not able to go out anywhere with his friends. Ambika while working also had to take care of Armaan as well. She was stuck with household work and her child. Although she would video call /chat with friends but her social life had been hampered due to the non-co-operative nature of Sidhant.
5. In August 2020, Armaan was diagnosed with severe case of Rickets. He needed extra care on a 24/7 basis. Sidhant often got anxious about the disease and also fought with Ambika as she didn't take care of their child.
6. Ambika used to discuss her problems with Akaash and told him about Sidhant's careless attitude and also that she had been converted into Sidhant's maid and she didn't have any identity and personal life. Akaash used to console her. In July 2022, Akash told Ambika that he would be coming to Bangalore in Sept/Oct and they will catch-up.

7. On 20 Sept 2022, Ambika told Sidhant that she is going out with her old friend Akash and would be back in two three hours. Sidhant said that he already has his plan with his friends and went out with his friends. Despite that Ambika left the child with the house help and went out to meet Akash. Armaan while trying to walk, fell down from the stairs and cried in pain the whole night. The house-help made frantic calls to both the parents but they did not respond.
8. Next day morning when Ambika came back home, she took Armaan to hospital and cried uncontrollably. Sidhant came to know about the incident after reaching home. He was shocked and scared for Armaan's health and blamed Ambika for leaving the child alone the whole night.
9. Ambika's frustration reached another level and she would blame Sidhant's careless attitude for all the problems. Sidhant's drinking increased over the period of time and he started misbehaving with Ambika.
10. On 23.10.2022, Sidhant went to Kolkata to look into some family affairs but didn't return for two months. During Sidhant's visit, Sakshi tried to convince Sidhant that they should convert the ancestral bungalow into a boutique hotel. But Sidhant didn't pay much heed to Sakshi's suggestions and told her that they were already getting enough in the form of rent to sustain comfortably.
11. On 20.11.22 Sakshi came to Bangalore for her friend's wedding. Sakshi went to meet Ambika. Ambika shared with Sakshi that she was finding it nearly impossible to balance her job and child alone. Sakshi suggested that she would take Armaan with her for some time and in the mean while Ambika could gather herself.
12. On 03.12.22 Akaash called up Ambika that he was starting a new venture and offered for her to come and join him at Delhi. Ambika readily accepted the offer on 15.12.22 and resigned without informing Sidhant and went to Delhi.
13. On 16.12.22, Sidhant when came to know of this, over the phone fought with Ambika as how could she do this without even telling him. Sidhant also mentioned that Ambika did not even care about Armaan. After the fight with Ambika, he got so upset and slipped into clinical depression and finally lost his job. Sidhant tried to contact Ambika many times but she didn't revert back.
14. On 22.12.22, Armaan had to be admitted to hospital due to food poisoning. Sakshi stayed at hospital with Armaan to take care of him whereas Sidhant used to come back home every night. On 28.12.22 night, Sidhant told Sakshi that she is Armaan's mother in the true sense and told Sakshi to always take care of his son, especially if he is not there. On reaching home, he drank heavily and along with that takes some sleeping pills, which resulted in his death.

15. Sakshi was in a state of shock and found it difficult to manage things due to the brother's death and ill health of Armaan. As Ambika could not reach the very next day the last rites on Sidhant had to be pushed to 30.12.22.
16. On 31.12.22 Ambika requested Sakshi to let her leave for Delhi as her job was new and it was difficult for her to leave her work as now, she has to sustain herself and will have to work harder for herself and Armaan. Ambika rather requests Sakshi to continue to keep Armaan at Kolkata. Sakshi also agrees as she felt alone and child gave solace to her.
17. Armaan adjusted well with Sakshi. Sakshi worked hard on Armaan's health and he showed considerable improvement. He starts to walk as well and doctors also appreciated Sakshi's hard work. Sakshi admits Armaan to a play school in Kolkata.
18. Ambika on the other hand engrossed herself in work at Akash's company. Akaash supported Ambika emotionally during this time.
19. On 11.03.23, Ambika went to Kolkata to meet Armaan and take him to stay for few days with her at Delhi. Ambika told Sakshi that once she arranges for her own accommodation at Delhi she would take Armaan to Delhi with her permanently. Sakshi became gloomy and said "Armaan is her life". Ambika took this lightly and said that "Surely he is Bua's life" and thanked Sakshi for supporting her. Sakshi packed up Armaan's stuff very unhappily and kissed him as he was about to go away from her for a couple of days. Ambika consoled Sakshi that he would return in a few days. She mentioned to Sakshi that her job is not going well and Akaash's venture had not been able to gain any profits. She asked Sakshi for some financial help to which Sakshi was surprised but gives her Rs. 50,000.
20. On 12.03.23, Ambika went to sit in the car to leave for airport and she picks up Armaan to sit in the car but Armaan started crying and leaned towards Sakshi. Armaan got himself freed from Ambika's lap and went towards Sakshi. Sakshi picked him up and caressed him lovingly. She tried to console him and pointed towards Ambika saying "Go with your Mumma for some days and I will bring you back soon". But Armaan hugs Sakshi saying "No, you are my Mumma". He cried unconsolably and eventually Ambika has to leave for Delhi without Armaan.
21. Ambika on coming back narrated the incident to Akaash, who told Ambika to not to be sad and everything would be alright soon. Akaash suggested Ambika to talk to Sakshi about giving her share out of Family's property to her. When Ambika told Sakshi on phone, she became a bit apprehensive and said that she would talk to the lawyer about the matter.



22. In June 2023 Akaash told Ambika of his intention to marry her and also that he would adopt Armaan after marriage. On 30.07.23, Ambika marries Akaash in a private wedding. In October 2023 Ambika came to know that she is expecting again.
23. Akaash's company had started to suffer financially. Akaash time and again insisted Ambika to bring Armaan back on several occasions. On 05.02.2024, Akaash and Ambika had some arguments, he insisted her to get Armaan back at the earliest. Ambika also consents to the same.
24. On 10.02.24 Ambika went to Kolkata to get Armaan back to stay with her permanently. Sakshi becomes furious and alleges that Ambika has not been bothered by her child's illness and loneliness for past two years and now that Ambika perceives Armaan as a gold mine has now suddenly come to take him. Sakshi also claims that Ambika wants to get the child back now because Ambika and her husband are aware of the properties to which Armaan is legal heir and they have no emotional connect with the child. Ambika tells Sakshi that she has given birth to Armaan and will eventually get him through court. Sakshi refuses to give Armaan back.
25. Ambika files a case for the custody of the Armaan being him Natural Guardian and claims a share in the property. Sakshi takes the defense that she be appointed as the legal guardian of Armaan in the best interest and welfare of the child.

Argue the case from both sides.

RULES AND REGULATIONS

I. AIM & PURPOSE

The Surana & Surana and Army Institute of Law National Family Law Moot Court Competition has been conceived with the aim to

- i Create awareness on Family Law in a systematic / scientific manner and train participants for effective practice
- ii Facilitate the evolution of Family Law through the jurisprudential analysis of the existing law and consequential emergence of new laws besides developing cutting edge skills in research, writing and advocacy.

II. VENUE AND DATE

The **5th Surana & Surana and Army Institute of Law National Family Law Moot Court Competition** shall be held from **15th March – 17th March 2024** virtually (Online).

The competition shall be in the English language.

IV. ELIGIBILITY

The competition is open for students who are pursuing LLB three year / five year course during the current academic year.

V. TEAM COMPOSITION

- a. Each team should consist of a minimum of 2 and maximum of 3 members. This number cannot be modified under any circumstances.
- b. There shall be 2 speakers and 1 researcher designated for each team. The researcher shall be allowed to argue with prior permission of the court and National Administrator in case of illness of the designated speakers.

- c. Each team will be **provided a team code** prior to the submission of memorials via e-mail. This team code is only for the memorials. Teams should not disclose the identity of their institution in their memorials; such disclosure shall invite penalties including disqualification. The decision for the same shall be at the discretion of the National Administrator.

VI. REGISTRATION

- a. Online registrations are open from **20th January, 2024**. The teams must register online by **17th Feb 2024**. Teams will have to register online at www.moot.in.
- b. No temporary registration requests will be entertained. Kindly refrain from sending such requests to Surana & Surana or Army Institute of Law (AIL).
- c. Participants will receive an automated system generated acknowledgement on successful submission of registration. Participants will receive an approval as acceptance of their request for participation by **18th Feb 2024** or earlier.
- d. **Registration Process**

Option 1 - The Registration form cum Approval letter as provided in the rules duly signed & sealed by your university / college / moot society.

Option 2 - Upload both (i) & (ii) together as a **single PDF**

- (i) The Registration form cum Approval letter (without seal & signature) as provided in the rules duly filled along with
- (ii) Scanned copy of authorisation letter with sign and seal from your university / college / moot society

or

An email communication from the official id (to be filled as notification email id during online registration process) of the institution, from your university / college / moot society to complete the registration process.

Note :

1. Signatories on the registration form should be any of the following :- Faculty-in-charge of MCA / MCS / MCC, Registrar, Dean, Principal, Director, Chancellor or Vice-Chancellor
 2. Registration without the scanned copy of the approval letter / an email communication from the college/institution/university or duly attested registration form will not be valid.
- e. Soft copy of the registration and approval letter/ an email communication as a **single PDF** to be sent by email to : ailsurana2024@gmail.com marked as 5th SURANA & SURANA AND ARMY INSTITUTE OF LAW NATIONAL FAMILY LAW MOOT COURT COMPETITION REGISTRATION as subject of the mail latest by **21th Feb 2024**. **The provisional team code shall be allotted to the registered teams by Host University soon after receiving of registration particulars.**
- f. On receiving the provisional team code from Moot Court Society of AIL you may proceed to pay the registration fees.
- g. **A registration fee of Rs. 2500/- is to be paid online by 21st Feb, 2024 at: <https://www.onlinesbi.sbi/sbicollect/icollecthome.htm?corpID=593474>**
Receipt of the online payment to be sent by email to: ailsurana2024@gmail.com
Fee once paid will not be refunded.

VII. ORIENTATION

There will be an Orientation Program for all the participants on **15th March 2024**. **The top 16 teams based on memorial scores will be announced on the day of orientation.** It will be followed by a draw of lots and exchange of memorials for the Preliminary Rounds. Competition team codes and side will be allotted during the orientation only.

VIII. ROUNDS

Preliminary Round

- a. There will be two preliminary rounds of arguments per team, once for applicant & another for respondent.

- b. No team will face each other more than once in the preliminary rounds.
- c. Each team will face a different two-judge bench in their second round of arguments.
- d. Preliminary rounds I, II will be held on **15th March, 2024 (Friday)**.
- e. Top eight teams from the Preliminary Rounds will advance to the Quarter final rounds. Preliminary rounds will be decided on
 - a. Win points
 - b. Win points + Aggregate raw points
 - c. Win points + Aggregate raw points (in case of tie minus memorial marks)

NB: Aggregate raw points = oral scores + memorial score.

Memorial marks will be added to the scores of the preliminary round only.

- f. The dress code shall be advocate's attire during the rounds of the competition.
- g. The oral arguments need not be confined to the issues presented in the memorials

Quarterfinal / Semi Final Round / Final Round:

Quarter finals and Semi Finals will be held on 16th March 2024 (Saturday), followed by and Final on 17th March 2024 (Sunday)

Draw of lots/ Power match will decide the side of the arguments in Quarterfinals, Semifinals & Finals. The Quarterfinal / Semifinal are knockout rounds.

Results (Announcement)

Results will be announced within 30 minutes after the full completion of the respective preliminary/ quarter / semifinal rounds. The Final result and the winners of the various categories will be announced only during the valediction / prize distribution ceremony.

IX. Memorials

The following requirements for memorials must be strictly followed. Non-conformities will be penalised:

- a. Each team must prepare memorials for both parties to the dispute (Applicant and Respondent).
- b. The soft copy of the Memorials for the Applicant / and the respondent should be mailed to ailsurana2024@gmail.com with copy to mootcourt@lawindia.com on or before **4th March 2024**. Late submission will be penalized by four point each per memorial per day. Once the soft copy of the memorials has been submitted, **no revisions, supplements, or additions will be allowed.**
- c. The memorials must contain:
 - The table of contents
 - The index of authorities
 - The statement of jurisdiction
 - The statement of facts (1 page only and argumentative statement of facts would attract penalties)
 - The statement of issues
 - The summary of arguments (not more than 1 page)
 - The arguments advanced (not more than 15 pages)
 - The prayer
- d. The font size should be 12 (one & half space) and for footnotes it should be 10 (single space) & double space between two foot notes. Footnoting must conform to the Oxford University Standard for Citation of Legal Authorities (OSCOLA), 4th Edition.
- e. The memorial must have a margin measuring one inch on all sides of each page
- f. The page numbering should be on the top right side of each page.

- g. Covers must be placed on briefs as follows:

Petitioner : Light Blue Color; Respondent: Light Red Color.

- h. The cover page of the memorial must state the following :

- i) Team code (on the top right corner)
- ii) The cause title
- iii) Identify brief as Applicants & Respondents as is applicable

- i. Identity of the institution shall not be revealed anywhere in the memorial. Violation of this provision shall result in penalties including disqualification. The National Administrator's decision shall be final.

- j. The teams may share a separate paper book (compendium) of not more than 50 pages, which will carry all the annexure and case laws that have been referred to in the memorial. The paper book will have a white cover. The teams may submit through screen sharing with judges or submitted during virtual registration before commencement of the Competition as advised by the organisers. Any identifying marks/seal of the college/university shall attract severe penalties including disqualification.

X. ORAL ROUND

Preliminary Round & Quarter finals

- a. Each team will get a total of 30 minutes to present their case.
- b. This time will include rebuttal and sur-rebuttal time
- c. The division of time is at the discretion of the team members, subject to a minimum of 10 minutes per speaker (excluding the rebuttal time) Division of time shall be informed to the court officer before arguments begin.
- d. The oral arguments need not be confined to the issues presented in the memorials.
- e. Passing of notes to the speakers by the researcher during the rounds is allowed.
- f. The researcher shall sit with the speakers at the time of the orals.

Semifinal & Final

- a. Each team will get 40 minutes to present their case that will include rebuttal time
- b. The division of time is at the discretion of the team, with a minimum of 15 minutes per speaker.
- c. The oral arguments need not be confined to the issues presented in the memorials.

XI. Scouting

Teams will not be allowed to observe the orals of any other teams. Scouting is strictly prohibited. Scouting by any of the team members shall result in disqualification.

XII. Scoring

A. Orals

The parameters for judging the oral presentation on a scale of 0 – 100 points are:

- a. Knowledge of facts
- b. Logic and reasoning
- c. Organisation and clarity
- d. Persuasiveness
- e. Deference to the court
- f. Proper and articulate analysis of the issues arising out of facts
- g. Understanding of the legal principles directly applicable to the issues
- h. Ability to explain clearly the legal principles in general keeping to the time allotted
- i. Knowledge and use of legal sources and authorities and general principles of law
- j. Ingenuity (ability to argue by analogy from related aspects of law)

B. Written Submissions (Memorials)

- . The memorials shall be marked on a scale of 1-100 points each.
- a. Any revisions, supplements or additions to the memorials after submission shall attract severe penalties subject to the discretion of the National Administrator.

- c. Award of the points shall be based on the following parameters:
- a. Neatness, legibility, no typographical errors or format errors
 - b. Logical progression of ideas
 - c. Effective use of headings to outline arguments
 - d. Understanding essential legal issues presented
 - e. Focus on essential (not collateral) issues
 - f. Clear, concise and unambiguous writing style
 - g. Forceful and persuasive presentation
 - h. Integration of facts into legal argument
 - i. Understanding of strengths and weaknesses of case
 - j. Discussion of viable alternative arguments
 - k. Understanding and analysis of authority
 - l. Proper use of citations and citation form
 - m. Effective use of authority to support arguments
 - n. Ability to distinguish adverse cases

XIII. AWARDS

- | | |
|---------------------------|-------------|
| i. Winning team: | Rs. 21000/- |
| ii. Runner up team: | Rs. 18000/- |
| iii. Best Memorial: | Rs. 12000/- |
| iv. Second Best Memorial | Rs. 9000/- |
| v. Best Student Advocate: | Rs. 6000/- |

In addition to the above awards, plaques and certificates will be given to other categories of winners. All participants will be awarded participation certificates.

XIV. ANONYMITY

- a. Student counsel may introduce her/himself to the court in the usual manner and may also state her/his names. However, the team's college / institution affiliation may not be mentioned at any time before the Vaedictory.
- b. Further, all team members, coaches, advisors, and observers shall refrain from identifying a team's school at any time and in any manner, including, but not limited

to, wearing any identifying items, such as school clothing, ties, patches, or pins or carrying identifying material (such as a books with a college logo, or college seal).

XV. POLICY FOR VIRTUAL ROUNDS

- a) The Oral Rounds for the competition will take place virtually via **Google Meet** platform.
- b) It would be the responsibility of every team to ensure a stable internet connection. The audio and video of every member of the team should be clear. Every team must ensure a proper background. The Moot Court Committee will under no circumstances be obligated to provide the participants with any such facility
- c) All participants should mandatorily join with their laptops or desktops and in no circumstance join with any other device.
- d) The link or the ID and password for the room on Google Meet will be conveyed to the participating teams before the oral rounds.**
- e) Each participating member of every team is advised to install the Google Meet platform on their devices well in time.
- f) Each team is required to join the room at least fifteen minutes before the scheduled time of commencement of the oral rounds.
- g) The participants' camera and microphone shall be firmly positioned throughout the oral rounds so as to show speakers and to ensure their voices are clearly audible.
- h) All participants must keep their cameras on at all times during the rounds.
- i) At the time when one participant is speaking, others are expected to keep their microphones on mute. In case a participant is found disturbing the other pleader anyway, he/she or the entire team to which such participant belongs may be disqualified upon the discretion of the bench.
- j) Each participant is responsible for finding a suitable venue and background to participate. The venue must be a quiet location and one which has adequate and reliable internet connectivity and has a desk and chairs for the oralist. Locations in open spaces or hallways or cybercafes or similar areas are NOT permitted.
- k) Strict adherence to the dress code is required. The teams are required to be properly attired for the rounds. The participants are required to wear black trousers/skirts and a white shirt, black blazers, and a black necktie.

- l) Participants are cautioned to ensure that all equipment has a power supply sufficient to last for at least two hours without interruption.
- m) In case of a loss in internet connection, each team will be given a reasonable time to reconnect. If the problem still persists the decision made by the committee shall be final and binding.
- n) In the event where one or both of the speaker could not join due to connectivity issue, the team may be disqualified from the competition and at no circumstances can other member of the team be allowed to switch roles.
- o) Where a team does not appear within 10 minutes of the scheduled time for the round, the round shall proceed as ex-parte.
- p) If a team wishes to refer to any compiled Research Material (Compendium) such material shall be mailed to ailsurana2024@gmail.com for further which instructions would be provided during Orientation..
- q) Any compiled Research Material (Compendium) or other supplementary documents may be, as per the discretion of the bench, presented by the team by using the “screen sharing” option given they have fulfilled the preceding sub-clause.
- r) Participants will not be allowed to use the feature of personal chat on Cisco WebEx or Google Meet to communicate with their team members or members of the opposing team.
- s) Teams shall not use phones, internet or any other devices during the rounds for anything, except participating in the rounds.
- t) Participants are expected to cooperate with the Committee and the judges, in case anyone faces any issue.
- u) The organizers shall take best available measures to resolve or mitigate any connectivity issues that may arise. However, in cases where that is not possible, the organizer cannot be held responsible for the unforeseen issues which includes (but are not limited to) – Software failure and connectivity issues.

The decision of the Organizers in consultation with the judges shall be final and binding.

XVI. DECISION OF THE JUDGES WILL BE FINAL

XVII. COPYRIGHT

- a. The copyright over the memorials submitted for participation in the competition is assigned by participants and shall also vest completely and fully in, Army Institute of Law, Mohali and Surana & Surana International Attorneys, Chennai. The participants shall certify in writing the originality of materials contained therein and shall be responsible for any claim or dispute arising out of the further use and exhibition of these materials.
- b. Further use and exhibition of these materials, electronically or otherwise, shall be the exclusive right of Surana & Surana International Attorneys, Chennai and Army Institute of Law, Mohali, and they shall not be responsible for any liability to any person for any loss caused by errors or omissions in this collection of information, or for the accuracy, completeness, or adequacy of the information contained in these materials.
- c. Distribution of these materials in print or on affiliated websites such as www.moot.in and other platforms by Surana & Surana does not constitute consent to any use of this material for commercial redistribution either via the Internet or using some other form of hypertext distribution. Links to the collection or individual pages in it are welcome.

YEARS



5th Surana & Surana And Army Institute Of Law

National Family Law Moot Court Competition

15th March – 17th March 2024



XVIII. ORGANISING TEAM

Prof. (Dr.) Tejinder Kaur, Principal, AIL, Mohali, will be the National Administrator.

Any clarifications for the competition can be sought from:

Regarding Case / Submission of Memorials / etc.

Faculty coordinators-

Dr. Bajirao Rajwade

bajirao.rajwade@ail.ac.in

Dr. Alamdeep Kaur

alamdeep.kaur@ail.ac.in

Regarding online registration:

Preetam Surana

Partner – Dispute Resolution & Head - Academic Initiatives

Surana & Surana International Attorneys

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Ph: 044 – 2812 0000, Fax: 91 – 44 – 2812 0001

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YEARS

IMPORTANT DATES

Start of Online Registration	20th January, 2024
Last date for Online Registration	17th February, 2024
Last date for receiving copies of Reg. Form/Approval letter by AIL	18th February 2024
Payment of registration fees	21st February 2024
Last Date for Submission of Memorials (both petitioner and respondent) Soft Copy by email with temporary team code	4th March 2024
Orientation, Draw of Lots, Exchange of Memorial and Prelims I & II	15th March 2024
Quarterfinals & Semifinals	16th March 2024
Finals and Valedictory	17th March 2024

Registration Fee Payment Link:

<https://www.onlinesbi.sbi/sbicollect/icollecthome.htm?corpID=593474>

YEARS



5th Surana & Surana And Army Institute Of Law

National Family Law Moot Court Competition

15th March – 17th March 2024



Date:

Registration form/ Approval letter

(Please fill in capital letters)

Undertaking

1. We hereby state that our participation complies with the rules and regulations of the competition.
2. We certify that the materials submitted/to be submitted are prepared by us and agree to indemnify the organizers, i.e. the Surana & Surana International Attorneys, Chennai and the Army Institute of Law, Mohali for any claim or dispute arising out of the further use and exhibition of these materials.

(All particulars must be given)

Name & Address of the participating Institution:

Name of the Participant	Gender	Course	Year	Signature
Primary Email id and Contact number				

Seal & signature of the
Head of the Institution

Duly filled, sealed & signed soft copy of the Registration form should be sent by E-mail: ailsurana2024@gmail.com by **21th February 2024**. The subject of the email must be “5th SURANA & SURANA AND ARMY INSTITUTE OF LAW NATIONAL FAMILY LAW MOOT REGISTRATION”