

Ref.No.NBTLC/ / 2018-2019

01<sup>st</sup> November 2018

To  
The Principal

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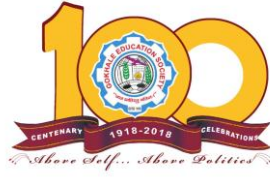
Subject:-**Invitation to participate in 13<sup>th</sup> ‘Late Advocate D. T. Jaibhave Memorial National Moot- Trial & Judgment Writing Competition 2018-19’**

Dear Sir/Madam,

It gives us immense pleasure to invite your institution on behalf of G. E. Society’s N. B. Thakur Law College, Nashik and Adv. D. T. Jaibhave Prathisthan to participate in the ‘Adv. D. T. Jaibhave Memorial Moot-Trial and Judgment Writing Competition’ to be held on Saturday **12<sup>th</sup> and Sunday 13<sup>th</sup> January 2019** in N. B. Thakur Law College, Nashik, which is entering its Golden Jubilee Year.

Gokhale Education Society, the parent body of N. B. T. Law College, is in the Centenary year since its establishment in 1918. The Society runs more than 120 schools, colleges and research institutes at Nashik, Mumbai, Thane and Palghar. The Society has been a pioneer in the country in starting new courses like, MBA, 5 year Law Course, etc. It is renowned in India for providing quality education par excellence under the able leadership of Sir Dr. M. S. Gosavi, Director & Secretary, Gokhale Education Society, Nashik who is a globally acclaimed educationist.

The above mentioned competition is a joint effort of G. E. Society’s N. B. Thakur Law College, Nashik and D. T. Jaibhave Prathisthan, Nashik in the memory of Late Adv. D. T. Jaibhave who was an eminent advocate practicing in the trial court of Nashik and other stalwart advocates who have given a ‘high heritage of practice of law’ in a trial court at Nashik. This competition named ‘Adv. D. T. Jaibhave Memorial Moot-Trial and Judgment Writing competition’ has been conducted here since 2006, to promote the importance of application of law amongst the law students.



Last year we completed the 12<sup>th</sup> consecutive competition and have announced the **13<sup>th</sup> National Moot-Trial Competition** this year. It is aimed at giving a law student an experience of conducting a trial in the role of advocates and judges, with a vision to establish trial court practice which forms the foundation of the legal practice in India.

We request you to send a team of **03 students** for participating in the above competition. The problem and the rules are enclosed herewith. Participation of your esteemed institution would be our privilege. We therefore, request you to send the confirmation letter along with duly filled application form enclosed, so as to reach us on or before **25<sup>th</sup> December 2018**. Please ensure that the written memorials reach us on or before **31<sup>st</sup> December 2018**.

We would be highly pleased to welcome your team to the college in this Golden Jubilee year and the 13<sup>th</sup> consecutive year of this prestigious National Competition. Many eminent dignitaries from the field of Judiciary, Bar and the Legal education will grace the occasion. Their words of wisdom will without doubt prove useful for developing the professional careers of all students.

For further information or clarification please write to us or call us.

Thank you.

Yours Sincerely,

Adv. Dr. S. S. Kotwal  
Mob: 7588175206/9822654726  
Chief Co-ordinator

Dr. Mrs. Asmita A. Vaidya  
Principal

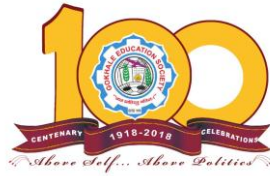
E-mail: [nbtlawmoot13@gmail.com](mailto:nbtlawmoot13@gmail.com)

(Note: All communication with coordinators preferably on email only)

## **Rules and Regulations for Competition**

### **Eligibility & Registration:**

1. Teams from Law Colleges recognized by Bar Council of India will be eligible to participate in the competition.
2. The members of each team should be enrolled for undergraduate Law course either Pursuing 3 year or 5 year Law course.
3. Each team shall pay registration fees of Rs.500/- by cash on the day of the competition.



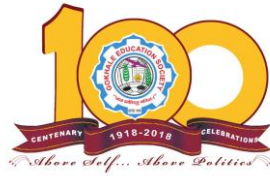
4. Each team shall comprise of 3 students. One shall conduct trial on behalf of plaintiff/complainant/Petitioner, and the other shall conduct trial on behalf of Opponent/Respondent.
5. The third member shall be the moot judge, who shall conduct the trial and on the basis of evidence produced before him, shall participate in the Judgment Writing Competition to be held on **12<sup>th</sup> January 2019**.
6. Strictly only one team shall represent one college. However the college may send more students as observers with prior intimation.

**The Competition shall consist of:**

- a) There shall be two rounds, one preliminary and the final round.
- b) All participant teams shall prepare either problem 1 or problem 2 for preliminary round which shall be held on **Saturday 12<sup>th</sup> January 2019**, and communicate the same at the time of confirmation.
- c) Four teams from among them shall be selected for final round on Problem No.3 which shall be held on **Sunday 13<sup>th</sup> January 2019**.
- d) The judgment writing competition shall be held on Problem No. 1 or 2 which they have chosen for preliminary round, which shall be held on **Saturday 12<sup>th</sup> January 2019**.

**Rules for Conducting of Trial:**

1. The dress code for the Mooters conducting the trial will be white dress with black coat and advocate's band. For the Mooter judge it would be white dress, black coat with gown and band.
2. The witnesses for the trial for both the preliminary and final rounds will be provided by Host College, who will be well versed with the facts of the case and shall depose exactly as per the facts given in the moot problem.
3. The Mooters would record the evidence orally only i.e. will take examination in chief and cross examination of the witness. Also they will get the documents they rely on to be proved by exhibits following the due process of law and submission of affidavits shall not be allowed.
4. Language for the competition shall be English, Hindi or Marathi only, which shall be intimated to the host college in advance to prepare the witnesses.



5. A panel of two observers and a moot judge appointed by the host college will assess the competition. Their decision will be final.

### **Rules of Memorials:**

The teams shall prepare two memorials, one for preliminary round and one for final round. Each team shall in advance send their two sets of memorials of each side of each round, which shall be precondition to participate in the competition.

The memorials shall be typed on **Legal** size paper with margin, in **Arial** font and with **12** size.

Last date for submitting memorials **online** is on or before **31<sup>st</sup> December 2018**. Hard copies of the memorials shall be submitted by the participants one day prior of the competition.

### **Oral Submissions:**

1. Each team shall be given 40 minutes in all. 30 Minutes to conduct the trial along with examining of two witnesses, and 10 minutes for arguing the case. The Mooters may distribute the time among them.
2. There shall be a warning bell three minutes before completing of the allotted time for each team. There will be final bell on competition of allotted time.
3. If any team exceeds time more than time allotted, except with the permission of the judge, the team shall be abruptly stopped and would be liable for negative marking.

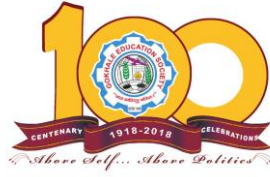
### **Scoring Criteria:**

1.	Memorials	:	20 marks
2.	Examination of witness	:	40 marks
3.	Arguments	:	20 marks
4.	Answer to queries of Court & Court mannerisms	:	20 marks

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Total : **100 marks**

### **Judgment Writing Competition:**

1. The host college will appoint a Judge for the competition and entire trial will be conducted under his control.
2. The moot judge will sit with the judge appointed by the host college to conduct the trial; by this the moot judge will learn how to conduct the trial. However, there shall be no marks allotted for this. The marks allotted are only for judgment writing.



3. Each Mooter Judge shall be given 30 minutes for writing judgment immediately after the trial, on the problem which they have selected for trial. The moot judge is allowed to keep the evidence notes of the trial, points of arguments, case laws etc. except the copy of earlier written judgment, with him for writing the judgment.
4. The moot judge may choose any language, either English or Marathi for writing judgment.
5. The scheme of marking is as follows:

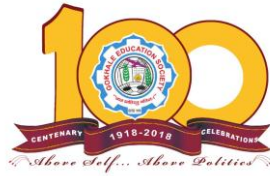
1	Format	:	05 marks
2	Points of determination	:	05 marks
3	Appreciation of Evidence & Law	:	30 marks
4	Order	:	10 marks
Total :			<b>50 marks</b>
6. The decision of the judges appointed by the host college shall be final.

**Other Rules:**

1. All participants are expected to maintain maximum decorum of the court during the competition.
2. All teams should report at 9.00 a.m. on **Saturday 12<sup>th</sup> January 2019**.
3. Accommodation shall be provided to participants for the days of competition.
4. No. TA- DA shall be provided to the participants.
5. Lunch and tea shall be provided to participants for the days of competition.
6. The host college reserves the right to make necessary changes in the rules prescribed hereinabove.

**Tips for success in the competition:**

1. The easiest way to ensure success in the competition is to take guidance from a practicing trial court advocate.
2. Attending the trial court and observing the proceeding could also help a great deal especially to understand how to conduct the chief and cross examination of witnesses and also get the documents exhibited.
3. Knowledge of C.P.C., Cr.P.C and The Evidence Act is a must or say a prerequisite for conducting trial. Knowledge of other enactments like (Civil Manual, Criminal Manual) The Suits Valuation Act, Court Fees Act etc. are also essential for drafting of Pleat, W.S., Complaint etc.



4. Unlike a moot court the arguments in the moot trial are restricted to bringing before the court the evidence proved by witnesses and documents and only briefly stating laws and case laws.
5. The Judgment to be written in the judgment writing competition should be exactly the replica of how it would be written by a Trial Court Judge. The format could be taken from a good judgment writing books but reading real judgments from the trial court will help better.
6. The marking for the judgment is given above and focus shall be to see how well the moot judge has appreciated the evidence before him to reach a rational conclusion.
7. The marking for advocate is also given and the focus for this would be skill in conducting the chief and the cross examinations of the witnesses and getting documents exhibited by them.
8. There is also special prize for excellence in drafting of Plea, W.S., and Complaint etc. for which the drafts can be taken from good Drafting and Pleading books or help of practicing advocates. It must necessarily be in conformity with the permission of C.P.C it must be noted that they are not written arguments as given in the moot court. Written arguments are not expected here.

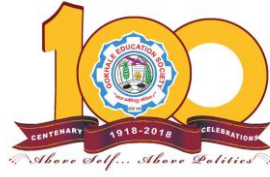
**Prizes:**

1. Best Team:Rs.5000/- Cash with Trophy + Books Worth Rs.5,000/-
2. Runner up Team: Rs.4000/- Cash + Books Worth of Rs.4,000/-
3. Best Judge: Rs.5000/- Cash + Books Worth of Rs.5000/-
4. Best Advocate: Rs.3000/- Cash + Books Worth of Rs.2000/-
5. Best Lady Advocate Rs.2000 /- Cash + Books Worth of Rs.2000/-
6. Dr. MSG Foundation Best Memorial Prize Rs.3000/- Cash + Books Worth of Rs.2000/-.

Note :- Individual prizes shall be announced on the date of competition. Certificates of participation shall be given to all the students.

**Programme Schedule**

1	Date of Confirmation	<b>25<sup>th</sup> December 2018</b>
2	Date of submission of memorial	<b>31<sup>st</sup> December 2018</b>
3	Date of preliminary round	<b>12<sup>th</sup> January 2019</b>



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|---|---------------------------------------|---------------------------------------|
| 4 | Date for final round                  | <b>13<sup>th</sup> January 2019.</b>  |
| 5 | Date of Judgement Writing Competition | <b>12<sup>th</sup> February 2019.</b> |

**Address for Correspondence:**

For further information please contact on cell, telephone, fax, mail.

**Mailing Address:**

**The Principal,  
N. B. Thakur Law College,  
Prin. T A Kulkarni  
Vidyanagar, College Road,  
Nashik-5**

**Telephone: (0253)-2574180 (O)  
(0253)-2317869 (Fax)**

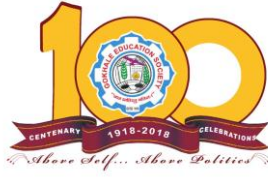
**Coordinators:**

<b>Sr. No.</b>	<b>Student Co-ordinators</b>	<b>Teacher Co-ordinators</b>
1	Mr. Nishant Bardiya Mob: 09823794443	Mrs. Hema Burung (Moot problem) Mob: 9657720991
2	Ms. Swara Raje Mob: 09881136909	Mr. Baban T. Bhalerao (Registration & Others) Mob: 8657419233
3		Mr. Sandip B. Satbhai Mob: 08275585369

**E-mail: [nbtlawmoot13@gmail.com](mailto:nbtlawmoot13@gmail.com)**

**Website: [www.nbtlawcollege.com](http://www.nbtlawcollege.com)**

**Dr.Mrs.Asmita A. Vaidya  
Principal  
N. B. Thakur Law College,  
Nashik-05**



**Late Advocate D.T. Jaibhave Memorial National Moot Trial And  
Judgment Writing Competition, January 2019  
Form of Registration**

Name & Address of Institute/College: -

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Phone \_\_\_\_\_ Fax \_\_\_\_\_

E-mail \_\_\_\_\_

Name of Mooter-I \_\_\_\_\_

Class: \_\_\_\_\_

Mailing Add, Contact No.& \_\_\_\_\_

Email-id: \_\_\_\_\_

Name of Mooter-II \_\_\_\_\_

Class: \_\_\_\_\_

Mailing Add, Contact No.& \_\_\_\_\_

Email-id: \_\_\_\_\_

Name of Mooter Judge \_\_\_\_\_

Class: \_\_\_\_\_

Mailing Add. , Contact No.& \_\_\_\_\_

Email-id: \_\_\_\_\_

Language of Conducting Trial: English/Marathi /Hindi \_\_\_\_\_

Details of Registration Fee \_\_\_\_\_

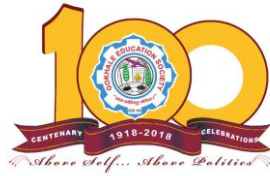
Date \_\_\_\_\_

Place \_\_\_\_\_

**College Seal**

**Signature of the Principal**





## Moot Problems

### Moot Problem- 1

‘A’ is a Junior College Teacher of Accountancy and ‘B’ is a Ex-student who has been failing in her 12<sup>th</sup> examination in the subject of English from last Two years.

‘B’ has accused ‘A’ & ‘C’ teacher of English for demand of sexual favour as consideration for passing her in internals of English. This complaint to the college was highly publicised in newspapers and TV Channels.

1. File a Civil Suit of Compensation for Defamation.

### Moot Problem -2

‘A’ & ‘B’ use a public road on the day of the incident. ‘A’ parked his vehicle in such a way that ‘B’ was not in a position to remove his vehicle. This led to a heated argument in abusive language between the two because of which ‘B’ hit ‘A’ with his fist causing simple hurt.

1. File a private Criminal Complaint against ‘B’ on behalf of ‘A’

### Moot Problem 3 (Final Round)

‘A’ Father died on 02/09/2015 he succeeded by Two Sons ‘B’ & ‘C’ and One Daughter ‘D’. ‘A’ is holding an ancestral property as well as Self Acquired Property. There is no partition effected during lifetime of ‘A’. Sons ‘B’ & ‘C’ are having wives and Two Sons and One Daughter each.

- a) File a Suit for Partition on behalf of ‘B’.
- b) Written Statement in the light of judgement of Supreme Court in case of Uttam vs. Saubhagh Singh, AIR-2016 Supreme Court -1169.

### Note:

1. The teams shall give the names to the witnesses and develop their own stories with these brief facts.
2. Only two witnesses are allowed who they should be i.e. which characters they play should be decided by the teams and inform the host college for witness training.