



MOOT PROBLEM

1. Rahul and Riya both are residents of Ambridge, a town in State of Metropolis, Indica and are Hindus, They got married in February, 2011 at Ambridge, Indica under the Hindu Marriage Act, 1955. Immediately after their marriage both of them shifted to Jamalpur, another city of Metropolis State, Indica, where Rahul is working since 2009.
2. Rahul and Riya took a flat on rent in Jamalpur after shifting to the new city. Mr. Ramakant Shukla is their landlord who stays on the 2nd floor and gives the 1st floor on rent to Rahul and Riya.
3. Mr. Ramakant Shukla makes an agreement for 11 months (i.e. from 01st March, 2011 to 28th February, 2012) with Rahul and Riya regarding renting the flat and handing over the premises to both of them on 10,000/- per month.
4. Rahul and Riya started living in the aforementioned premises from 01st March, 2011. Things were going good until Rahul lost his job in last week of May, 2011. However, Riya was completely unaware of this incident.
5. Riya started working in a KidZee in Jamalpur as she used to get bored at home after Rahul left for job. Riya was paid Rs. 5000/- per month. Rahul used to earn Rs. 20000/- per month.
6. Due to the loss of job of Rahul, the rent of the property remained due for 6 months consecutively. However, Riya did not know the reason for such delay as to the payment of the rent and kept on asking Rahul, while Rahul was trying to avoid confronting Riya.



7. At last, in November, 2011 Mr. Ramakant Shukla sent a notice to the Couple expressing his desire to not continue the agreement with the couple. The said notice also disclosed that Mr. Ramakant Shukla wanted the couple to leave the premises within 1 month.
8. Receiving this notice Riya confronted Rahul that followed a heated argument. Following the argument Riya was informed about the unemployed status of Rahul.
9. Following this Riya left that house on 01st December, 2011 and went to her home at Ambridge. Rahul made several attempts to call her and talk to her, however, everything seemed to go in vain. Riya did not pay any heed and stayed back in her parental home.
10. It was on 22nd April, 2015 Riya came back to the shared flat at Jamalpur that the couple had rented.
11. Mr. Ramakant shukla made repeated requests to Rahul during the absence of Riya to pay the rent. However, everytime Rahul has paid month for some months and then became defaulter again and again for several months. Therefore, the payment of rent was irregular in nature.
12. After coming back Riya asked Rahul to leave the said flat and also talked to Mr. Ramakant Shukla that from now onwards Riya would stay in the flat and would pay the rent. Riya also informed Rahul that she wanted to divorce him as he hide the fact of his unemployment to her thereby causing mental trauma.
13. Mr. Ramakant Shukla did not want to face any unwanted problem therefore, he asked Riya to vacate that flat no matter she



agreed to pay the rent. Mr. Ramakant shukla has issued a notice for eviction to the couple in May, 2015.

14. When the couple did not vacate the premises Mr. Ramakant Shukla filed a suit for eviction against Mr. Rahul and Ms. Riya before the Controller in June, 2015.

Ms. Riya in the abovementioned suit contended that

- a. she was having a matrimonial dispute with her husband regarding which she had to take a decision,
- b. She had a job in Jamalpur therefore she wished to stay back in the town and did not want to go back to her parental home and be a burden upon her parents,
- c. She needed a safe place to stay in the city

Therefore, vacating the premises would not be possible for her. She made a prayer before the Controller to order for the continuation of the tenancy.

Mr. Ramakant Shukla contended that-

- a. He requires the suit property for his personal use, &
- b. The couple became defaulter in paying the rent amount.

Therefore, he prayed before the Controller to order for eviction of the couple.

15. Simultaneously, Rahul filed a suit for Restitution of Conjugal rights under section 9 of the Hindu Marriage Act, 1955 before the District Court stating-



- a. The reason because of which Riya has withdrawn herself from the conjugal relationship with him is unreasonable,
 - b. That he wanted to continue this marriage with Riya.
16. The Controller in the suit for eviction decided in favour of Mr. Ramakant Shukla and ordered Ms. Riya to vacate the suit property.
 17. The suit for restitution of conjugal right between Mr. Rahul and Ms. Riya was still pending before the competent court.
 18. After the decision of the Controller Mr. Rahul left the suit property. However, Ms. Riya did not vacate the suit property and decided to file an appeal before the Tribunal.
 19. An appeal was filed by Ms. Riya against the decision of the Controller to the Tribunal. However, the Tribunal upheld the decision of the Controller and asked Ms. Riya to vacate the suit property.
 20. Aggrieved by the decision of the Tribunal Ms. Riya filed an appeal before the High Court of Metropolis, Indica contending that the order of the trial court regarding eviction of Ms. Riya from the suit property amounted to grave injustice. Therefore, the Appellate court should consider the situation and order accordingly.
 21. During the pendency of the appeal before the High Court of Metropolis, Indica the issue of matrimonial dispute between Ms. Riya and her Husband Mr. Rahul came up. This also led to the disclosure of pendency of suit for restitution of conjugal rights before the District Court.
 22. Considering the issue of matrimonial dispute between Mr.



Rahul and Ms. Riya an important issue, the High Court of Metropolis issued a notice under Article 227 of the Constitution of Indica to the District Court and took up the suit for adjudication.

23. The High Court of Metropolis has clubbed the Appeal and the suit for restitution of conjugal rights and fixed _____ March, 2019 for hearing.

24. The High Court of Metropolis, Indica has framed the following issues to be heard in

Ms. Riya..... Appellant

v.

1. Mr. Ramakant Shukla..... Respondent No. 1

2. Mr. Rahul..... Respondent No. 2

- a. Whether the present suit is maintainable both in law and in fact?
- b. Whether there is landlord and tenant relationship between Ms. Riya and Mr. Ramakant Shukla under the Transfer of Property Act?
- c. Whether concealment of the fact of unemployment of Mr. Rahul is just and reasonable ground for withdrawal from the conjugal relationship by Ms. Riya?
- d. Whether the High Court of Metropolis, Indica has the power to take up any case from a Subordinate Court under Article 227 of the Constitution of Indica.

Note:-



- a. The Constitution, laws and rules of Indica are in pari material with the Constitution, laws and rules of India. Any state law of State of metropolis is in pari materia with the State laws of State of West Bengal. Any Civil or Criminal rules and orders of High Court of Metropolis are similar to the civil and Criminal rules and orders of High Court of Calcutta.
- b. An Ad-interim maintenance order of Rs. 2000/- has been granted by the competent court in a suit filed by Ms. Riya against Mr. Rahul.
- c. Besides the aforementioned issues the participants are free to frame additional issues.
- d. The Proposition is neither intended to nor does it attempt to resemble any incident or any person, living or dead. Any such resemblance is purely coincidental. The Proposition is a fictitious factual account prepared for the purposes of the present Competition only and it does not attempt to influence or predict the outcome of any matter whatsoever.