



INNOVATIVE 1ST NATIONAL MOOT COURT COMPETITION, 2022

1. Mr. Alex belonging to an economically backward class family from Uttam Desh, A state of India and Ms. Siri of an economically forward class family hailing from Indraprastha another state of India were working in a Multi-national company in NCTR (National Capital Territorial Region) since 2013; although their department were different yet they used to meet often during lunch hours.
2. After sometime Mr. Alex having got a hike of Rs. 5000/-, changed the company. Later after a gap of 2 years they met again at a wedding function of a common friend and exchanged their contact numbers. They started chatting and this ended up in some personal meets and the frequency of these meetings increased with time.
3. The venue of their meets spanned their homes, offices and coffee-shops. By 2017 they realized that they were in love and eventually, got married with the consent of their parents in 2019 according to Hindu rites and rituals, in Rostampur District, Uttam Desh.
4. They were happy in the initial days of their marriage, however on 15th day of marriage in the morning when Ms. Siri went to her office, she didn't return to her marital home until night; as time passed, all the family members got worried. Alex and his parents tried to call Ms Siri continuously but she didn't respond to any of their calls.
5. On 16th day of marriage Alex and his parents visited her mother's house and Siri, too, was there with her. Her in-laws and husband told her that this behaviour from their daughter-in-law was unacceptable. Yet, they condescended to give her a chance and wanted her to come back to her marital home again. To which, Siri replied, that she was not happy with her marriage and she would not come back. Siri's mother interrupted and said that she would convince and send her back.
6. After 26th day of marriage, Ms. Siri lodged a complaint at Mauj Khas Police Station, Indraprastha under Section 498A, IPC that Alex and his parents used to torture her and her mother-in-law used to taunt her that she had done 'black magic' on her son because of which he fell in love with her, otherwise they were getting good proposals for his marriage. She also showed injury marks on her hand and shoulder to the lady-constable while lodging the FIR.

7. The Police investigated the matter but did not find any credible evidence; hence closed the investigation, with the remarks that no offence was made out and the injury marks appeared to be accidental in nature and no evidence sufficient to proceed was discovered during the investigation; the police also cited that this was a normal practice of today's society to harass the in-laws, and the daughters-in-law often adopt such practices. During investigation police also recorded statement of one of the neighbours of Alex wherein he confirmed that Alex's bike was damaged due to accident.
8. After that incident, one day when Alex was with his friend Paul in a bar, he started crying. When Paul asked the reason for it, he confided that he had been in love with Siri but she left their home. She had said that she would not live with Alex in a small house and wanted him to buy a villa or a big apartment. She also wished that they both should start living separately. Alex even asked his friend for a loan to buy a house in order to fulfil Ms. Siri's wish but still Ms. Siri left and never returned though Alex wanted her in his life and it was impossible for him to survive without her.
9. After listening to the story of Mr. Alex, Mr. Paul suggested that Mr. Alex could file a petition for restitution of conjugal rights and after that Mr Alex filed a petition for restitution of conjugal rights in the Family Court of Rostampur District, Uttam Desh.
10. In the said petition, the court issued a process in the name of Siri but it never reached Siri as she had moved from that place; on continuous failure to serve summons, the Family Court passed ex-parte order in favour of Mr Alex.
11. Meanwhile, Siri wanting to move to another state so that she will get a changed environment as she felt disturbed here, she found a job in a company based in Channi a southern state of India. She moved to Channi for her joining.
12. While at office she used to avoid gatherings but one day her boss Mr. S Raja asked her the reason of such avoidance which she refused to answer.
13. After that, her boss started giving her extra attention, he started spending more time with her in office and one day they met outside the office where she disclosed about her marital disputes. She stated that her husband was an alcoholic and he used to mistreat her and often harassed her physically and that is why she decided to come out from that toxic relationship and left the marital home and moved to Channi. On the very next day Mr. S Raja proposed her for marriage and surprisingly she without any hesitation agreed to enter into second marriage but Mr. S Raja advised her that first she had to get divorce then only they would enter into a marriage.

14. She filed a divorce petition in the Family Court, Naalpur district of Channi on the grounds of cruelty. Family court issued summons on the address of Mr. Alex but unfortunately Alex having shifted to another place, the summons were not served. Under the circumstances, the Family Court granted an ex-parte decree in favour of Siri. Following this, Siri entered into a marriage agreement with Mr. S Raja.
15. On the other hand, Family Court of Rostampur District, Uttam Desh gave the decision in the favour Mr Alex but this decision did not benefit Mr. Alex anymore because Siri had moved out from his contact completely. He started going to the bar again, where he met Mr. Paul.
16. Paul stated that he was looking for him for several days because he wanted to let him know that the one he was dying for, was already available on one matrimonial site where she was looking for a husband and stated a status of divorcee. But Alex said that they weren't divorced so it was impossible. To verify the fact, they went to Channi to meet Siri, and Siri narrated the story that she had decree in her favour from Family Court of Naalpur district of Channi and she was married to someone else and asked her privacy to be respected. Mr Alex said that he also has an order in his favour for restitution of conjugal rights and he would not let her go and wanted her back in his life.
17. Mr Alex approached the High Court of Channi in appellate jurisdiction to challenge the decree passed in favour of Siri along with additional prayer that she should be charged for bigamy and Siri also challenged ex-parte order of restitution of conjugal rights in High Court of Uttam Desh.
18. Along with an application in the Supreme Court for the transfer of both the petitions in High Court of Uttam Desh was filed and Supreme Court transferred the same and now the matter is listed before the High Court of Uttam Desh with following issues: -
 1. Whether decree passed in the favour of Siri is valid or liable to be set aside?
 2. Whether order of restitution of conjugal rights passed in favour of Mr Alex is valid or liable to set aside?
 3. Whether Siri can be prosecuted for bigamy or not?

Note: All the laws enforced within the territory of India will be applicable.