



4th SURANA & SURANA AND ARMY INSTITUTE OF LAW NATIONAL FAMILY LAW MOOT COURT COMPETITION 2022-23



1. Fatima, Anil, and Raza joined an Engineering course at a college in Chandigarh in 2014. They were of the same batch. Anil and Fatima were in Computer Science class while Raza was in Mechanical engineering. Raza was a childhood friend of Fatima, they both came from a small village in Ropar, Punjab. Anil came from Manimajra (Chandigarh). All were hostellers as the policy of the mandatory boarding for students. Anil and Fatima very quickly developed a fondness for each other. Coming from very different backgrounds, Anil belonged to an affluent Hindu family. Fatima, on the other hand belonged to a lower middle class Muslim family.
2. Coming from a lower middle-class family, Fatima wanted to do well in her career. She was very hardworking and focused. Anil wanted to pursue his dream of clearing the Civil Services exam after fulfilling his degree. Both Fatima and Anil bonded over their shared ambitions and had big goals in life.
3. Eventually, friendship led to a mutual liking for each other. Realising their different backgrounds and the bleak possibility of their families accepting their relationship, they decided to try all means to convince their families for the relationship. Coming from different religions, they tried to find a common ground by adapting to each other's culture. Fatima always had doubts about this relationship as her family was very conservative and deeply religious. Confused on whether she should end her relationship with Anil, Fatima consulted Raza, to which he said that no one will accept this match since he does not belong to their religion and community.
4. In order to make Fatima more acceptable to his parents, Anil would often bring Fatima along with him to the temple and would also include her in various Hindu festivities. In May 2017, Anil introduced Fatima to his sister and conveyed to her their intention to marry. Anil's sister was initially opposed to the idea, particularly due to Fatima's religion and background, but with Anil's persistence, eventually she agreed to the match. She would often meet Fatima after that and after a point of time, she started referring to her as Aarti. Fatima ignored and did not say anything, hoping that this would enable her to win Anil's sister's heart. When Fatima met Anil's parents in August 2017, she was introduced as Aarti. Fatima did not like it but she remained quiet.
5. In December, 2018 Anil decided to meet Fatima's parents with the intention of asking her hand in marriage. As expected, Fatima's family did not take the news very well and their primary concern was that accepting the match would mean that Fatima would have to give up on her family, culture, and religion. Further, they were concerned that Anil did not have a stable career and he had no plans of taking any job until he qualified the



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Civil Service exams. To convince Fatima's parents, he assured them that Fatima would not have to convert or give up on her religion to marry him. However, Fatima's family refused vehemently and decided to marry Fatima off to someone else. They even threatened Anil to stay away from their daughter and taunted him by saying "If you were from our religion, we could have considered"

6. Anil and Fatima decided not to meet but it was not easy for both. They continued to pursue their respective degrees and gave their final exams in May, 2019. After it, Fatima joined a job in Ropar and Anil planned to prepare for his coaching for Civil Services and stayed in a PG near his Coaching institute. On 20th Dec, 2020, Fatima came to Chandigarh for an interview, Anil and Fatima met after months of separation, shared their feelings that it was difficult to stay apart and decided to elope and get married fearing that they would never get the approval from each other's families. Anil tried to make Fatima understand that her parents would never agree to this union so they would have to elope. But Fatima was not convinced with the idea to elope. She kept trying to convince her parents.
7. Meanwhile Fatima moved to Chandigarh to take a new job with a reputed US MNC. She did so in-anticipation to move abroad as she always wanted to go to US for settling as she believed that there are better opportunities abroad. Fatima was staying in a rented Paying guest accommodation in Chandigarh. Within a month of moving to Chandigarh, she reconnected with Anil, who was in Chandigarh for his coaching. After a while, Anil and Fatima decided to rent an accommodation together as they wanted to give their relationship another chance. When they told their friends that they were planning to stay together, most of them were apprehensive but they would justify themselves by claiming that it was also economical for them and by doing so, Fatima would be helping Anil as he did not have a source of income at this point. During lockdown, Fatima and Anil continued to stay together instead of going back to their respective homes. After few months of staying together under one roof, they decided to go ahead with their plan to get married on 23rd August, 2020. Fatima wanted her family to take her family's blessings and wanted to perform a nikah, but considering the situation, both decided that getting married in a Hindu temple would be the most convenient option.
8. Fearing persecution from both families, they decided to undergo a quiet and simple marriage ceremony in a temple in Chandigarh. The ceremony involved exchange of garlands, application of vermilion and ceremony solemnized by a priest on 23 August 2020. There were no friends or family present during the ceremony. The marriage was not registered. Immediately after the ceremony, Anil took a selfie with Fatima and



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uploaded on his Facebook account with the status- “*Finally Together*”. That night Fatima also changed her FB relationship from “Single” To “*Its Complicated*”. When Fatima’s parents got to know that she has been residing with Anil, they expressed their disappointment and compelled her to quit her job and come home, Fatima did not take this well and got into a fight with her family. Anil’s parents had a similar reaction.

9. After this the couple continued to live in their shared accommodation. Both Fatima and Anil maintained no contact with their respective families during this time period. Fatima decided to continue her job in order to run the house while Anil would pursue his dream of qualifying for Civil Services. The job was lucrative and it allowed Anil to focus on his exam preparation for the time being while Fatima took care of household expenses. The burden of managing the expenses alone bothered Fatima which led to fights between the two. The couple however agreed that Anil would eventually clear his exam or else he would start working within two years.
10. Because of the stressful atmosphere, Fatima felt very disturbed. She felt overburdened with her responsibilities at home and felt that she was not getting enough support from Anil. Fatima would often confide to her friends that she was missing her family and she wanted them to give her their blessings so that they could finally have a proper wedding/nikah. To get some relief and mental peace, she started going to the mosque as she felt happy going there. She started communicating with Raza to vent out and would call him whenever she was concerned about her family. Raza had come to Chandigarh on 27th, September 2021, for two months for some Immigration Expo and Study Awareness Camps in various institutions in and around Chandigarh. Raza had moved to the US right after his degree and he would frequently visit India for his immigration work. Fatima never disclosed Raza about her relationship status with Anil.
11. On Raza’s persistence, Fatima tried to reconnect with her family and would often meet her parents. Raza used to always accompany Fatima’s parents when she visited them. Fatima’s family always wanted Fatima to get married to Raza as Raza belonged to the same religion and was well settled in the US. Raza was running his Immigration business and had a good clientele. She would visit them during festivals and went to mosque with them, observing all religious customs. Fatima would often complain to her family about the problems that she was facing at her job but never told them about Anil.
12. Raza also liked the company of Fatima a lot and got close to her. Raza always had a soft spot for her. They spent a lot of time together. She started meeting Raza more



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frequently, visited his hotel several times, sharing close moments with him. Raza was very well settled and she liked his lifestyle and was very impressed with his status. Raza proposed her for marriage and for moving to US, but Fatima did not reply anything. In November, 2021, Raza returned to US, thereafter Raza and Fatima used to spend long hours on phone and exchanged several WhatsApp messages.

13. Anil was noticing a change in Fatima's behaviour, but he kept quiet as he was unaware about Raza. But soon this incident came to Anil's knowledge, he blamed Fatima for it and claimed that she was blowing things out of proportion. Fatima felt that Anil was not willing to understand her. The argument escalated into a fight between the two and resulted in Fatima leaving the house. She went to her parent's home situated in a village in Ropar and decided to stay there.
14. In first week of December 2021, Fatima discovered that she is expecting a child. She moved back with Anil, telling her family that she had to resume work. On knowing this, Anil, who was not on talking terms with his family, now planned to share this news with his parents. For the sake of Anil's child, the family visited Fatima and Anil at their home and organised a pooja for the well-being of the child where both Fatima and Anil were present. On this occasion, Fatima went through all the Hindu rites and rituals that Anil's family made her do primarily for the sake of her child. Again, she was introduced as Aarti to all the relatives.
15. Subsequently, Anil tried to improve things with his family as they were willing to accept Fatima for their grandchild's sake. Anil wanted to shift with his parents for the well-being of their child. However, Fatima was reluctant to make the move as she feared that this would be a hinderance to her independence. This led to a huge fight between the two and They eventually decided that they would go and stay with Anil's family until the child is born. Fatima was unhappy but still moved into Anil's family home on 15th December, 2022.
16. On several occasions, Anil's mother would take Fatima to the temple with her and she would also participate in religious ceremonies at home. Everybody in the family started calling her 'Aarti'. Fatima would often be annoyed and fight with Anil over this issue. Fatima tried to convince Anil to start working so that he could support the family and they could live independently, but Anil would deny the same so that he could prepare for his exam. This caused further rift between the couple. All this really bothered Fatima and she would feel guilty about lying to her family. She felt stuck in Anil's home and wanted to escape. She tried to convince Anil to move back to Chandigarh but he paid



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no heed. This led to another fight between the two. As Fatima's pregnancy was of few weeks, so there was no change in her appearance, she left for her parents' house on January 10th, 2022. Anil tried calling Fatima but she did not reply

15. Fatima's parents who always wanted her to be with Raza, contacted Raza and Raza made necessary arrangements for Fatima's visit to US. Fatima left India on 14th Feb, 2022. Fatima revealed her pregnancy to Raza. Raza did not ask anything and proposed her for marriage. Fatima wilfully agreed.
16. Here in India, Anil got no reply to his messages and calls from Fatima. Then he went to Fatima's hometown to meet her. Fatima's brother misbehaved with Anil and shunned him out of their house.
17. During this time, Fatima had no conversation with Anil or his family, she also changed her number. Anil then gave up trying Fatima's number, as his exams were approaching. He did not try to visit her parents to know the wellbeing of Fatima. He finally cleared his mains and started with his interview preparations for Civil Services.
18. Fatima did not call Anil at all. During the entire period of her pregnancy, Fatima was well taken care of by Raza. On August 5th, 2022, Fatima was blessed with a baby boy. They both were very happy. To take medical benefits, Fatima got the name of the parents in the hospital records entered as *Father-Raza Ahmed and Mother- Begum Fatima*.
19. In October, 2022, Fatima visited India along with Raza and the child for a family wedding. Anil got to know about it from one of the relatives of Fatima. He reached out to her but Fatima refused to meet her. She said that she was happily married to Raza. Anil got argumentative and claimed his child back, to which Fatima denied his paternity and warned him to stay away from her child.
20. On this, Anil has now reached the District Court, Chandigarh asking for restitution of conjugal rights and for a Paternity Test. In his plaint, he also pleads that in case restitution is not granted, then custody of child be given to him. Fatima, on the other hand, denies the existence of marriage and custody of the child.



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COURT COMPETITION 2022-23**



Issues:

1. Whether the present suit is maintainable in the District Court Chandigarh?
2. Whether the marriage between Anil and Fatima is valid?
3. Whether Anil is entitled for a decree of Restitution of Conjugal Rights?
4. Whether the application for paternity test is justified?
5. Any other issue- Teams are free to frame any other relevant issue to the said moot proposition.

MOOT



YEARS