



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



CLARIFICATIONS PERTAINING TO MOOT PROPOSITION

Released on:- 15th March, 2023

<u>S NO.</u>	<u>QUERY</u>	<u>RESPONSE</u>
1.	Does the marriage ceremony of Anil and Fatima held on 23 rd August 2020 include “Saptapadi”?	This will have to be argued by the teams from the factual matrix.
2.	Point no. 6 says that Anil and Fatima met after months of separation on 20 th December 2020 but point no. 7 says that date of marriage is 23 rd August 2020. Kindly clarify on the timeline.	Teams are advised to read “Months of Separation on 20 th Dec, 2020” as “Months of separation on 20 th December 2019.”
3.	After shifting to Chandigarh (Point No. 7) did Fatima go to the mosque or profess any Muslim religious practices? OR Which religious practices she was professing during the period of cohabitation with Anil.	Since these details are not in the facts, the teams are free to interpret; hence no clarification is required.

4.	Did Fatima and Anil register their marriage within the time frame of 30 days of the marriage held on 23 rd August?	Moot Proposition is clear about the facts.
5.	In paragraph 20, it is said that “Anil has now reached the District Court, Chandigarh asking for restitution of conjugal rights and for a Paternity Test” whether the “District Court, Chandigarh” here means “Family Court, Chandigarh”. This clarification is very important since Section 8(a) of the Family Courts Act, 1984 bars District Court from exercising jurisdiction in respect of any suit or proceedings of the nature referred to in the Explanation to the Section 7(1). Thus the suit filed by the Applicant Anil will not be maintainable in case he approached District Court, Chandigarh. And hence it is very important to know whether the phrase “District Court, Chandigarh’ used in paragraph 20 of the moot proposition means Family Court, Chandigarh.	The first issue is pertaining to this question hence, No clarification Required
6.	In paragraph 7 and in paragraph 15. Both paragraph have dates issue .Please read whole case study and mainly focus on paragraph 7 and 15 and please clarify it.	Paragraph 7 has no date issues and in paragraph 15, last line, kindly read “15 th December 2022” as “15 th December, 2021.”

7.	With regards to the first issue, the maintainability of what all is to be argued? There are three in the proposition (petition for restitution, custody, and an application for a paternity test)	The issues stated at the end of the proposition are clear, therefore no clarification is required.
8.	Paragraph 12 talks about 'close moments' are they emotional or physical? Paragraph 13 talks about 'this incident' what incident does Anil get to know about? Paragraph 18 Says 'they both were very happy" who signifies they here?	This needs no clarification.
9.	Paragraph 17 says 'Fatima wilfully agreed', has the marriage been already performed between Fatema and Raza?	The facts are self-explanatory, the teams are free to interpret.
10.	A general doubt- if the existence or non-existence of a family court at Chandigarh is to be taken into account?	Kindly research and argue accordingly.
11.	Kindly provide us with clear clarifications regarding the timeline of events (month and year) in the provided Moot proposition.(facts of the case)	Refer to clarification no. 9.
12.	Although there is nothing mentioned in the moot problem about the application of Special Marriage Act but since the problem pertains to inter	No clarification needed, the moot proposition is self-explanatory.

	religious marriage, could you please clarify the position once?	
13.	Did Fatima reveal her marriage w Anil to Raza when she informed him regarding her pregnancy?	This fact is not relevant to the case at hand, thus no clarification Required.
14.	I need a clarification on moot problem, in paragraph 8, third line the word ceremony has been used so exactly what all ceremonies have been performed by a priest for completing the marriage.	Paragraph 8 is self-explanatory.
15.	Fatima is a Shia or Sunni?	Not relevant.
16.	According to Para 6 of the moot prop, Anil and Fatima meet on 20 December 2020, and then in the next para it is mentioned, that they decided to get married on 23 August 2020, please provide clarification on the dates.	Kindly refer to clarification No. 2
17.	According to Para 14, Fatima in the first week of December 2021, discovered that she was pregnant, but Fatima moved to Anil's house on 15 December 2022 (still pregnant , according to the moot prop). Please clarify upon the same	Kindly refer to clarification No. 6
18.	The date mentioned in para 6 of the proposition is 20th Dec 2020 when Fatima moved to Chandigarh after then they started living together but they married on 23rd August 2020 as	Kindly refer to clarification No. 2

	mentioned in para(7). Please clarify the right timeline of Fatima moving to Chandigarh and they settling in and then getting married.	
19.	In para (7) it is mentioned "but considering the situation" both decided to get married. What is the situation?	No clarification Needed.
20.	In paragraph (8) the ceremony was solemnized by priest. In most Hindu marriages a marriage solemnized by a priest includes 'saptapadi' so was saptapadi performed?	Kindly refer to clarification no. 1
21.	In para 15 of the moot proposition it is mentioned that Fatima was reluctant to move to Anil's parent's house as this would hinder her independence. (independence here refers to financial or religious).	No clarification Required.
22.	Where is Anil's parents house ? As in para 16 it is mentioned that Fatima was fed up with Anil's parents in their house and wished to move to Chandigarh. While, in para 1 it was stated that Anil came from (Manimajra) Chandigarh so ideally his parents house should be here only unless they changed it in near future.	Open to interpretation, hence no clarification Required.
23.	Will only top 16 teams be allowed for oral rounds?	Yes, the cap is 16.

24.	In para 6 (Date when Fatima came to Chandigarh)	Please refer to notes provided at the end of the clarifications.
25.	In Para 7 (Date when Anil and Fatima decided to get married)	Paragraph 7 is self-explanatory about the fact.
26.	In Para 15 (Date when Fatima was unhappy but still went to Anil's family home)	Please refer to notes provided at the end of the clarifications.
27.	In para 8 whether it can be assumed that during the marriage, the ceremony of Saptapadi was also performed?	Kindly refer to clarification no. 1
28.	With respect to ISSUE 1 (Whether the District Court of Chandigarh includes the Family Court)?	Already answered in Clarification No. 5.
29.	The dates mentioned in the case data for when Fatima came back to Chandigarh; when Fatima and Anil decided to marry, and when they actually married, are confusing. Please look into it and clarify the correct dates.	Please refer to the notes.
30.	Is Fatima permanently residing in the USA with Raza?	Not relevant, hence needs no clarification.
31.	Where was Fatima residing when the plaint was filed by Anil, Ropar or Chandigarh?	Needs no clarification.

32.	Did Anil file a Plaint or a Petition because, as per all matrimonial acts only petitions for restitution can be filed?	Needs no clarification.
33.	For the sake of this proposition, is there a family court in Ropar ?	It is a pertinent Issue of the case and hence needs no clarification.
34.	Whether the laws and amendments in Chandigarh apply to the proposition?	Teams are free to pick up these issues in their arguments, and are supposed to be updated with their latests.
35.	Whether the District Court of Chandigarh may be referred to as the Family Court of Chandigarh?	The first issue is pertaining to this question hence, no clarification required.
36.	Whether, in Paragraph 15 of the proposition, 15th December <u>2022</u> is a typographical error?	Please refer to the notes.
37.	Whether there can be a presumption as to the applicable statute? (Hindu Marriage Act or Special Marriage Act)?	No clarification needed, the moot proposition is self-explanatory.
38.	Whether the issue of custody must be addressed as a sub-issue to the restitution of conjugal rights or as a separate issue in itself?	The issues stated at the end of the proposition are clear, therefore no clarification is required.
39.	Was the marriage between Anil & Fatima solemnized under the Hindu Marriage Act or Special Marriage Act?	Already answered in Clarification no. 12.
40.	How old were Anil and Fatima when they got married in 2020?	They were not Minors hence needs no clarification.
41.	Did the Saptapadi ceremony take place	Kindly refer to clarification no. 1

	when the marriage was solemnized between Anil & Fatima?	
42.	Did Fatima convert herself to Hinduism when she was getting married to Anil?	Arguments have to be constructed from the given facts of case
43.	When did Fatima and Raza get married?	Teams free to construe the arguments from the given facts of the case.
44.	So in para 6 it is given that Fatima came to Chandigarh for an interview on 20 December 2020 However in para 8 it is given they got married on 23rd Aug 2020. So, can you please clarify whether there has been a misprint or not.	Needs no clarification.
45.	What is the citizen of the child?	Needs no clarification.
46.	If on 20th December, 2020, Fatima and Anil are meeting after a long time then how on mother earth did, they get married on 23rd August, 2020?	Already Answered in clarification no. 2.
47.	When Fathima told Reza about her pregnancy, whom did she say as the child's father? (Did she say it's Reza's child or Anil's child?) (Because, Reza and Fathima had, had close moment in hotels)	Irrelevant needs no clarification
48.	When Reza Proposed was, he aware of the marriage and the relationship between Fathima and Anil?	Already answered in clarification no. 13.
49.	Were Fathima's parents were aware that Fathima was pregnant with Anil's Child? or At least after the child was born, did Fathima tell that the child's	Completely irrelevant, needs no clarification

	biological father is Reza?	
50.	In paragraph 6 (Fatima came to Chandigarh for an interview on 20th Dec 2020.or in paragraph no 7 she get married on 24 August 2020. Show please check date's conflict I think it may be 20 dec 2019 ?	Please refer to notes.
51.	In paragraph no 14 First week of December 2021 Fatima discovered that she is expecting a child. And in paragraph 15 the date 15 dec 2022 I think it's 15 dec 2021 please clarify it. And sequence of paragraph is also up and down	Please refer to notes.
52.	It is written in paragraph 6 that on 20th dec 2020 Fatima came to Chandigarh for an interview, and in para 8 it is written that on 23 august 2020 they got married. please clarify the dates of meeting and marriage	Please refer to notes.

NOTE:-

1. In Para 15, second line, there is a typographical error, please read “Indian” as “India”.
2. Para no. 7, last line, there is a typographical error, please read it as “Fatima wanted to take her family’s blessings.”
3. In Para 6, third line there is a typographical error, please read it as 20th December, 2019.
4. In Para 15, last line, there is a typographical error, please read it as 15th Dec, 2021.