

Moot Proposition

1. Rina Sorabjee is a resident of Mumbai. She got her degree in architecture in 2020 and started working as a part time apprentice in a firm dealing with town and country planning. Her parents were an established Parsi family from Mumbai. Rina also had a younger sister Tanya who is studying commerce in a local college. As Rina was a very hard-working, soon she was promoted and earning a good pay package.
2. At a common friend's new year party at Mumbai in 2021 Rina met Rajesh who is a US citizen. He is also from Mumbai but had shifted to America in 2015. Rajesh is a computer expert and had found a lucrative position in an American company in San Francisco. He was also planning to start his own IT firm, but was lacking the required finances. Rajesh had no own family in India as both his parents and younger sister died in a car crash in 2013. He has a distant uncle in Mumbai who helped him go to America.
3. Rina and Rajesh had a nice evening together and decided to meet again the following day. What Rina liked about Rajesh was that he was very grounded and did not talk about money at all. In fact, both realised that they had a lot of common interests. In the days to follow they met many times and soon became very good friends.
4. Soon around the third week of January 2022, it was time for Rajesh to leave for the US. Both of them decided to keep in touch and spoke practically 2-3 times a day after he left. Their relationship got serious and Rajesh was delighted to hear that Rina was planning a trip to the US in September of 2022.
5. Rina got a Visa and arrived in the US on 20th September 2022. She was staying with Rajesh. Rajesh and Rina were having a wonderful time. They visited various tourist places and were having a wonderful time together. Soon time came for Rina to return to India as her leave was coming to an end. She decided to fly back on the 10th October 2022.
6. On the 9th of October when they had finished dinner at a fancy restaurant, Rajesh proposed to Rina. This came as a total surprise to Rina. She accepted but said that she had to inform and ask her parents. The next day she left for India and decided to speak to her parents about her decision about Rajesh.
7. Rina's parents were delighted to hear about Rajesh and happily gave their consent for their alliance. Rina called Rajesh to inform him and both were on cloud nine about the future. They decided to have an early wedding. Rajesh said that it would be very difficult for him

to come to India, so Rina and her parents decided to go to the US in December 2022. Rina resigned from her job and the family got busy with the preparations for the wedding.

8. On 20th December 2022 Rina and Rajesh got married in the US according to the customs of Hindu and Parsi communities. All the rituals were performed and the event seemed as though it was happening in India. Rajesh's American friends were delighted to see Indian customs and traditions that were followed at a wedding. Everything went off well and the couple left for Italy for a few days after the wedding. Rina's parents returned to India.
9. Rina and Rajesh started their new life. Rina applied for her papers. She was a career minded girl and wanted to work. Rajesh on the other hand started the new venture which he had planned, with a little financial help from his uncle from Mumbai. They also decided to come to India in June of 2023 to get their marriage registered.
10. In April of 2023 Rajesh and Rina were at a shopping mall in the US. As they were window shopping, a lady with a child named Brian hugged Rajesh on seeing him. Rajesh got very uncomfortable and asked Rina to continue shopping while he spoke to lady named Alice whom he introduced as a colleague from a previous office. Rina found this strange, so she stayed on and introduced herself as Rajesh's wife. This shocked Alice and she started crying. Things got really ugly when Alice confronted Rajesh. Rajesh in firm voice told Alice to leave, as there is no point creating a scene in front of the small child. Rajesh convinced Rina that he would clarify everything at home.
11. Rajesh tried his best to pacify her and told her that he had met Alice in Atlanta where he had gone for a training in 2016. Rajesh soon became friendly with Alice. At that time Rajesh was eager to get US citizenship at the earliest. He saw a wonderful opportunity after meeting Alice and decided to enter into a paper marriage with Alice which would help him achieve his American dream. Alice agreed and the two decided to get married on paper.
12. In June of 2017 Rajesh received his green card which is a step to become permanent citizen. After getting green card Rajesh attitude toward Alice changed. Rajesh started spending time outside the house. His training finished and he went back to San Francisco. In Nov 2017 Alice gave birth to a baby boy. Alice asked Rajesh to send her money to look after both of them. Rajesh started sending money every month to her. Rajesh wanted to get out of this. Both decided to file papers for separation. Rajesh never met Alice even once after their separation.
13. Rajesh confessed to Rina that he swore on his parents that he is dedicated to Rina and would never leave her side for another women. He and Alice had applied for termination of the

contract in 2018, and that the order is expected soon. When Rina further asked him about the details about the terms settled, Rajesh only said that the copy of the agreement is not with him at present. Rajesh said as this happened many years ago, so he did not share it with Rina. He truly thought that the thing was over as so many years had passed.

14. Rina was distraught and wanted to leave for India. Rajesh tried to convince her telling her that things between them would soon be fine. He said that the Alice incident was way back in the past and he would never meet her again and that chapter was over. He felt nothing for Alice and Brian. Rina was not convinced and told him that Rajesh had based their marriage on a falsehood, for which she would never forgive him. Rina reluctantly agreed but there was tension between them.
15. Soon Rina realised that she was in the family way. She gave birth to a baby girl in October 2023. Though things between them were a little better, but Rina was still depressed and felt cheated. She was carrying on with her life, looking after their daughter Ria and other household chores, but without enthusiasm. One day while clearing the cupboards, she found a picture of Rajesh, Alice and the child. This angered her again and she decided to leave. Rina decided to fly back to India with Ria. Rajesh tried to persuade her to change her mind, but to no avail. She returned on the 10th February 2024.
16. Back in India Rina was quite upset. She used to remain quiet and depressed. The family decided to take her to a doctor. She was put on medication and was being looked after her parents. Ria was the only hope in her life. Ria was being looked after by Tanya. Ria was very happy in her company. Rajesh called a few times and once came to meet them and to try and take them back to America. He told them that he is doing very well in the US and they could start afresh. Rina refused blatantly. Rina's family also supported her decision.
17. Rina's condition did not improve. She used to go for regular counselling sessions, where she was advised that she should try to move ahead in life. The counsellor was of the opinion that once the relationship will be over, Rina would be mentally at peace and will feel better.
18. Rina was getting herself prepared to file a case to end the relations and get the custody of the child. Unfortunately, in September 2024 Rina suddenly had a massive heart attack and passed away. Ria and Rina's parents were unable to fathom the loss.
19. Tanya started looking after Ria and they became very close. Tanya who is a school teacher she decides to take care of Ria as she does not want to marry after seeing Rina's life. Tanya's parents were happy with this decision.

20. Rajesh came to India and calls up Rina's parents and inform that he will come and take Ria with him.
21. Tanya files a case for legally adopting Ria under The Juvenile Justice Act. Rajesh defends the claim on the ground that he is the biological father of Ria and she is an American citizen.

Argue from both sides

The matter before the relevant Court involves the following:

- Whether the marriage between Rajesh and Rina was valid?
- Whether the child can be given in adoption to Tanya under the JJ Act?