



FACULTY OF JURIDICAL SCIENCES

**MOOT COURT EXERCISE AND
INTERNSHIP
(CLINICAL)**

Course : BBALLB , 3rd Semester

Subject code : BBL903

Faculty Name : Ms Taruna Reni Singh

Moot Court Exercise and Internship

Objective: The objective of having moot courts is to give the students practical training on how the proceedings of the court take place.

The Paper will have following components

- Moot Court: Every student may be required to do at least one moot court in a year. The moot court work will be on assigned problem.
- Observance of Trial in one case, either Civil or Criminal.
 - Students may be required to attend one trial in the course of the last year of LL.B. studies. They will maintain a record and enter the various steps observed during their attendance on different days in the court assignment.
- Interviewing techniques and Pre-trial preparations and Internship diary.
 - Each student will observe one interviewing session of clients at the Lawyer's Office/Legal Aid Office and record the proceedings in a diary. Each student will further observe the preparation of documents and court papers by the Advocate and the procedure for the filing of the suit/petition.
- The fourth component of this paper will be Viva Voce examination on all the above three aspects.
- Student will be required to undertake legal awareness programme in association with N.S.S. and other authorities as directed by the Faculty.

LECTURE 14

MOOT PROBLEM - 2

Arohi was a middle-class, upper caste Hindu. He married Aruna in the year 1977. Aruna gave birth to a daughter Mala in 1978, and a son in 1980. They were happy at the thought that their family was complete. However, in unfortunate turn of events, their son died in an accident at home when he was two years old. They were very upset but tried to have another child and with God's grace, Aruna gave birth to another son in the year 1983. Looking at his horoscope, the pandit suggested special ritual to be followed every month for the welfare of this son till the age of five as there was danger to his life till that time. Despite observance of the ritual with full reverence by the couple, this son also died in a road accident just as he turned five years old. The couple was completely devastated. They were apprehensive that another child may meet the same fate if they tried for another child. However, they tried and yet another son was born to them third time in the year 1990. On his naming ceremony, they consulted the astrologers and were advised to give away that child in adoption to a person of the lower caste if they wanted this child to live. They named him Kaushal and decided to give him in adoption. Their sweeper, Maina Devi, a 50 year old widow with no children agreed to take the child in adoption and to give him back to them for his bringing up as she did not have the means to bring him up.

In a formal ceremony Kaushal was given to Maina Devi by Arohi and Aruna and was taken by Maina Devi. Thereafter, she gave him back to the couple for bringing him up on her behalf. Maina Devi kept visiting them regularly and gave something for Kaushal every month till he was ten years old when she died. In the meanwhile, in the year 1994 another son was born to Arohi and Aruna and he was named Balraj.

The fact of adoption of Kaushal was treated by Arohi and Aruna as a formality to save his life and he was brought up by Arohi and Aruna as their son with Mala and Balraj. Arohi died intestate in the year 2012. Aruna decided to divide the property in four equal shares, one each for herself, Mala, Kaushal and Balraj. Mala and Balraj objected to it and demanded 1/3 share in the property as Kaushal had no right having been given in adoption to Maina Devi. Aruna's pleas that the adoption was a mere ritual carried out on the advise of the astrologer to save Kaushal's life but without any intention actually to give him up, had no effect on them. They maintained that the adoption was legal and complete when Kaushal was given and taken in adoption with a free will. Unable to resolve their dispute, Mala and Balraj filed a suit for division of property and declaration that Kaushal was not an heir to any property of Arohi in the absence of a will.

The lower court decreed in favour of the plaintiffs. Aruna and Kaushal filed an appeal against the order asking for an equal share to Kaushal in the suit properties being the natural born son. They pleaded that the adoption was not valid in the absence of the intention to really give him in adoption. Alternatively, they pleaded that the adoption was bad as Aruna's consent was vitiated having been given under the mistaken belief that it was a religious ceremony aimed at saving the life of her son. In addition, it was submitted that an adoption that put the child in situation of deprivation cannot be held valid and binding being contrary to the principle of best

interest of the child.

Memorial is required to be filed only for one party. The date and time for submission of memorial and oral arguments will be decided by the teacher.