



**KARNATAK UNIVERSITY'S**  
**SIR SIDDAPPA KAMBALI LAW COLLEGE**  
(Formerly University College of Law)



College Road, Dharwad – 580 001, Karnataka, India  
(A Constituent College of Karnatak University, Dharwad )

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Ref.No.K.U./U.Law/

Date: 23-08-2017

**THE TWENTIETH S.C.JAVALI MEMORIAL NATIONAL MOOT COURT COMPETITION**  
**14<sup>TH</sup> AND 15<sup>TH</sup> OCTOBER 2017**

Dear Sir / Madam,

It is our great pleasure to inform you that the 20<sup>th</sup> Sri.S.C.Javali Memorial National Moot Court Competition will be held on the 14<sup>th</sup> and 15<sup>th</sup> of October 2017. We invite your esteemed institution to participate in the said competition. The moot court problem and detailed rules governing the competition are enclosed.

Dharwad, a very prominent centre for literary and cultural activities, is also a renowned centre of learning. Dharwad is situated between Belgaum and Hubli and can be reached by road or rail. The nearest airports are at Hubli-Dharwad, Belgaum and Goa. Mooters and researchers who have participated in our earlier competitions have always appreciated the local hospitality and have gone back with very pleasant memories.

Kindly let us know the travel plans of your team so that our volunteers can receive the team. For any information or clarification, please visit us at [www.kud.ac.in](http://www.kud.ac.in) ; write to us or call us at any one of the following numbers.

Contact numbers:

College (office) : 0836- 2448177, 2440686

Mr. Vishwanath M. (coordinator): +919880080243

Mr.Rakeshkumar Kamble : +919449396793

Ms.Shashirekha Malagi : +919742502894

[kusssklawedu@gmail.com](mailto:kusssklawedu@gmail.com)

Thanking you,

Yours sincerely

(Vishwanath M.)  
Moot Court Coordinator

## RULES GOVERNING THE MOOT COURT COMPETITION

### General

1. Law Colleges recognized by the Bar Council of India are eligible to participate in the Competition. Students studying in **Five year Law Course** and **Three year law course** are eligible to participate in the competition.
2. Each College may send a team consisting of two mooters and a researcher.
3. Each participating team has to pay a **registration fee of Rs.1500/-** (Rupees one thousand five hundred only) through a demand draft drawn on any nationalized bank, payable at Dharwad-Hubli in favour of **The Principal, Karnatak University's Sir Siddappa Kambali (KU'sSSK) Law College, Dharwad.**
4. Lots will be drawn on 14<sup>th</sup> October 2017 around 11.00 a.m. and fixtures for the Preliminary Round will be announced. Fixtures for subsequent Rounds will be announced fifteen minutes before the commencement of the Competition.
5. The Organizers will not defray the travelling expenses of the participating teams. However, the participants will be provided boarding and lodging on the days of the competition. Lodging will not be provided for the teams from Dharwad and Hubli
6. The language of the Moot Court shall be English.
7. Law Colleges/Institutions willing to compete, shall confirm participation by the **10<sup>th</sup> October 2017.**
8. **The moot competition is restricted to 24 teams and these teams will be selected on first cum first serve basis.**
9. The Moot Problem, being the property of Karnatak University, shall not be used by any Organization, College or Institution without the written permission from Karnatak University.
10. The enclosed Registration Form should be duly filled and returned on or before **10<sup>th</sup> October, 2017 to the Coordinator, 20<sup>th</sup> S.C.Javali National Moot Court Competition Karnatak University's Sir Siddappa Kambali Law College, College Road Dharwad-580001**
11. The team of the Karnatak University's, Sir Siddappa Kambali Law College, Dharwad shall not participate in the moot court competition.

## SOME SALIENT FEATURES OF THE MOOT COURT COMPETITION

1. Each team shall be given 30 Minutes to advance its arguments or make submissions. Hence, each counsel shall have fifteen minutes only at his/her disposal.
2. Each team will be assessed for 100 marks in oral rounds. Memorials will be assessed for 50 marks separately. **Memorial marks will not be added to oral rounds to decide the qualifying team for the next round and finally, even to decide the winners and runners up.**
3. The Four stages in the Competition shall be: **First Round; Quarter Finals; Semi-Finals and Finals.**
  - (a) **First Round:** Every participating Team shall take part in the Preliminary Round as per the fixtures drawn and announced.
  - (b) **Quarter Finals:** Four top teams appearing for the Petitioner and Four top teams appearing for the Respondent shall, on the basis of the marks secured in the Preliminary Round, enter the Quarter Finals.
  - (c) **Semi-Finals:** Four out of the Teams participating in the Quarter Finals shall, on the basis of the marks secured therein, move on to the **Semi-Finals**.
  - (d) **Finals:** Two out of the Teams in the Semi- Finals shall, on the basis of the marks secured therein, enter the Finals.

### Rules Regarding Submission of Memorials

1. Each team has to submit four sets of memorials for both sides on or before **10<sup>th</sup> October 2017** and in case of delay the team would **lose 2 points for each day of delay**. Spiral binding of the memorials should be in **Blue color for the Petitioner and Red Color for the Respondent**. A soft copy of the memorials for both sides should be sent to [kusssklawedu@gmail.com](mailto:kusssklawedu@gmail.com)
2. The Memorials should be typed on one side of bond papers and be double-spaced.
3. The arguments should not exceed 15 pages. However, these 15 pages will not include the Cover page, Page of Content, Table of Authorities, Table of Cases, List of Abbreviations, Statement of Facts, Issues/Questions presented, Summary of the Arguments and Appendices.
4. The Memorials should be neatly bound and submitted.
5. The Memorials submitted will not be returned.

**Dress Code:** The Dress Code for the Participants shall be as prescribed by the Bar Council of India.

**Prizes:** Prizes will be awarded to: 1. Winners, 2. Runners-up, 3. Best Memorials, 4. Best Gentleman Advocate and 5. Best Lady Advocate.

# REGISTRATION FORM

THE TWENTIETH S.C.JAVALI MEMORIAL  
NATIONAL MOOT COURT COMPETITION  
14<sup>TH</sup> AND 15<sup>TH</sup> OCTOBER 2017

Name and address of the College including phone numbers and e-mail:

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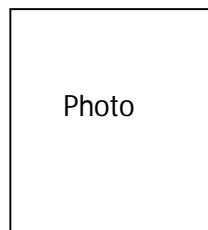
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1. Name of the Mooter:

Class : \_\_\_\_\_  
Address : \_\_\_\_\_  
\_\_\_\_\_

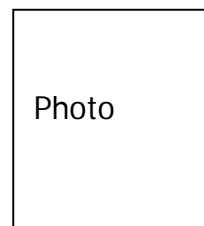
Phone No. : \_\_\_\_\_  
Email : \_\_\_\_\_



2. Name of the Mooter:

Class : \_\_\_\_\_  
Address : \_\_\_\_\_  
\_\_\_\_\_

Phone No. : \_\_\_\_\_  
Email : \_\_\_\_\_



3. Name of the Researcher:

Class : \_\_\_\_\_  
Address : \_\_\_\_\_  
\_\_\_\_\_

Phone No. : \_\_\_\_\_  
Email : \_\_\_\_\_



Signature and Seal  
of the Principal

\* Photographs should be attested by the Principal/Head of the concerned Institution.

## MOOT PROBLEM\*

### DR. SUNITA DESHPANDE VS. MR. HARI GOWDA\*

1. Dr. Sunita Deshpande, who has studied in an International Boarding School and also prestigious medical colleges in India and abroad, is now working as a Gynaecologist in the prestigious MNC Hospital in Kagal and has been doing so, for the last seven years.
2. On 10<sup>th</sup> May, 2017, around 10 pm, Dr. Sunita Deshpande was alone at home and busy on an urgent skype call made by her fiancé from London, when she heard an urgent and loud knock. On opening her door, she found a couple of burly men led by Mr. Hari Gowda, the local political leader, whom she had met earlier in a district health camp. On her asking the reason, Mr. Gowda requested her to come immediately with him to the nearby Slum to assist a lady in her delivery. Dr. Sunita, feeling uneasy, refused to accompany him giving the excuse that she was busy. But Mr. Gowda, with the help of his local musclemen, forcibly put her into the SUV. Dr. Sunita, helpless, went to the Slum and assisted the lady in delivering her child. She was paid ₹ 10,000-00 for her medical services. Mr. Gowda also arranged for the safe return of Dr. Sunita to her home, at around 2 am. She immediately tried to call her fiancé on skype to explain the circumstances that led her to abruptly leave the call; he however refused to talk to her and cut the call.
3. This high handed act of Mr. Gowda, invited the attention of the medical profession. The local Hindian Medical Association immediately resolved to appeal to the Police to provide necessary security to medical practitioners; further, the dailies and the electronic media hyped the story and gave undue publicity to the incident. The indifference of her fiancé and the hype and publicity while among her colleagues, friends, relatives and people in the locality caused her acute embarrassment.
4. Dr. Sunita filed a Suit for damages, totalling ₹ 20,00,000-00 against Mr. Gowda alleging that “*defendant Mr. Gowda, with his musclemen, committed an assault and outraged her modesty by forcibly taking her to the slum to perform medical services which she was not willing to perform*”. She further stated that she was paid ₹ 10,000-00, which she accepted with ‘*extreme reluctance*’. In a Written Statement, admitting that he, with the help of his supporters, had forcibly put her into the SUV, defendant Mr. Gowda denied any wrongdoing by such acts. He contended that, “*what he did, didn’t constitute any wrongful or actionable claim in Tort*”. He also pleaded that – “*Plaintiff Dr. Sunita*

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\*The Moot Court Problem is prepared by **Shri. Mohan V. Katarki**, Advocate Supreme Court of India, New Delhi, *alumni of University College of Law, Dharwad (now renamed as Karnatak University’s Sir Siddappa Kambli Law College, Dharwad)*. Any attempt to contact the author may incur disqualification.

\*The Moot Problem is a fiction. Reference to Sarnataka and Hindia is to be understood as Karnataka and India for this moot purpose.

*Deshpande, belonging to a noble medical profession, was fully obliged to treat a patient in an emergency”.*

5. The Suit was decreed holding that Mr. Hari Gowda is liable to pay nominal damages of ₹ 10,00,000-00 for intentional assault, etal. Both appealed to the Sarnataka High Court. However, on the High Court dismissing both the Regular First Appeals, the Special leave petitions were filed in the Supreme Court of Hindia, which granted leave and posted both the clubbed Civil Appeals for hearing on 14<sup>th</sup> October, 2017.

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The mooters shall prepare a brief for the Appellant/Respondent Dr. Sunita Deshpande and the Respondent/Appellant Mr.Hari Gowda.