

# DAYAWATI COLLEGE OF LAW ,BANKHANDA,HAPUR

## MOOT COURT PRE TRIAL PREPARATION AND PARTICIPATION IN TRIAL PRECEDINGS

यह विषय तीन भागों में विभाजित है ।

भाग - ( एक )

भाग - ( एक ) में तीन समस्याएं दी गई छात्र इसे ध्यानपूर्वक पढ़ेंगे तथा इनसे सम्बंधित न्यायिक क्षेत्राधिकार के न्यायालय का वर्णन करते हुए समस्या के पक्ष व विपक्ष में अपने तर्क प्रस्तुत करेंगे छात्र हिंदी या अंग्रेजी किसी भी भाषा में तर्क वितर्क दे सकते हैं तथा समस्या से सम्बंधित केस लॉ का हवाला भी देंगे।

### Problem-1

'P' died on 28.06.2011 at 20:30 hours and his burial was done about 5:30 a.m on 29.06.2011 in the respondent school whole premises was leased by the State Government under lease deed. On his death , after performing some religious function, while taking the body to burial ground, some persons took decision otherwise and took the body of 'P' and forcibly entered in to the premises of the respondent, dug position of the land on the playground of the school and buried the dead body there. He informed the police about the illegal action committed by the said group of people. Since no action could be taken by the police, some writ petitioners filed writ petition in the High Court to take necessary action as the leased property cannot be used for any other purpose other than Dharamshala and garden. High Courts rejected the writ application against which the petition move to Supreme Court. Argue either in favour of or against the petitioners.

### Problem-2

'A' was admitted to hospital 'B' suffering crush injury to his left arm. The operation of 'A' was conducted by 'C' surgeon of the hospital 'B'. The parents were told that everything was all right and even the mother found him O.k. However after two days parents were informed that condition of their son had become serious and that he needed to be shifted to their main hospital for better management. The injured 'A' died in the main hospital due to cardiac arrest secondary to respiratory failure, renal failure etc. The parents of 'A' wanted to get the medical records examined but the hospital failed to provide any such record. Parents of 'A' filed suit against doctor for medical negligence and hospital for not maintaining the medical records properly. The National Commission did not find the missing treatment record of hospital of great relevance and dismissed the complaint. Parents move to the Supreme Courts. Argue either in favour of or against the parents of 'A'.

### Problem-3

The appellant who is the original complainant had taken a comprehensive insurance policy in respect of his private car and the complainant paid the insurance premium duly. As per the complainant, United bank of India's regional office is his tenant and many of its employees are known to him. One of its employees had approached the complainant to hand over the aforesaid vehicle for a few hours for urgent use by the employees of the Bank. The complainant handed the aforesaid vehicle by way of a good gesture and did not take any rent from the Bank in this regard.

The vehicle met with an accident during the subsistence of the policy. The complainant had lodged a claim before the respondent but it refused to allow the claim inter alia on the ground that the vehicle was given on hire and as per the policy terms such use was not permitted and the insured was not entitled to any compensation for such unauthorized use. The district forum dismissed the claim of complainant after going through the policy. Reliance was placed on the reports of the office-in-charge of the police station according to which the accident occurred because of the negligence of the driver who had not a valid driving licence. Aggrieved by the aforesaid order, the complainant preferred an appeal to the State Consumer Disputes Redressal Commission which dismissed the appeal as devoid of any merits. Against the order of the State Commission, a revision was preferred before the national commission and the same was dismissed. The appellant filed an appeal against the order in Supreme Courts. Argue either in favour of or against the appellant.

#### PART -B- OBJERVATION OF COURT PROCIDING.

भाग - (दो) में अदालत की कार्यवाही के अवलोकन का वर्णन करना है। छात्र अपने पैनल के अधिवक्ता के साथ किन्ही दो सिविल मामलो तथा दो आपराधिक मामलो में न्यायालय में उपस्थित होंगे तथा वहाँ उन मामलो में जो कार्यवाही की गई है उनका वर्णन अपनी प्रयोगात्मक फाइल में करेंगे।

1-Write any two civil court prociding.

2- Write any two criminal court prociding.

#### PART -C-INTERVIEWING TECHNIQUES AND PRE TRIAL PREPARATION.

भाग - (तीन) में मुवक्किल तथा अधिवक्ता के बीच की वार्तालाप का वर्णन करना है। छात्र अपने पैनल के अधिवक्ता के चैम्बर पर उपस्थित होंगे तथा वहाँ पर आये किन्ही दो सिविल मामलो तथा किन्ही दो आपराधिक मामलो के मुवक्किल व अधिवक्ता के बीच हुई वार्ता का वर्णन अपनी प्रयोगात्मक फाइल में करेंगे।

1-write any two civil case interviewe session

2- Write any two criminal case interviewe session.