

**SUPREME COURT OF INDIA**

**ADVOCATES-ON-RECORD EXAMINATION 2025**

**PAPER II – DRAFTING**

**TOTAL MARKS : 100**

**TIME: 3 HOURS**  
**(Extra 30 minutes for reading)**

**Instructions:**

- 1) The question paper is divided in two parts – Part A and Part B. Both parts are compulsory.
- 2) YOU ARE EXPECTED TO CAREFULLY READ THE INSTRUCTIONS AT THE END OF EVERY QUESTION BEFORE RESPONDING.
- 3) No other pleading, response etc., but for what is specifically asked against each question is to be drafted. DO NOT prepare the cover page.
- 4) The quality of the pleadings is relevant, not the number of pages. Crisp and brief pleadings would be preferred.
- 5) Questions of law and grounds, wherever asked, ought to be specific and to the point rather than generalized.
- 6) Where Synopsis is required to be drafted, it is expected that it should crisply contain the most relevant grounds of challenge/summary of your case.
- 7) Reference to specific provisions of the Constitution of India, the Supreme Court Rules, 2013, other applicable provisions of law and relevant judgments would be appreciated and given weightage.

**PART A**

(4 questions x 20 marks)

(Attempt **ANY FOUR** questions out of Question nos. 1 to 6)

**1. QUESTION NO. 1:**

The impugned High Court judgment is as under:

IN THE HIGH COURT OF JUDICATURE AT PATNA  
CRIMINAL APPEAL (DB) NO.110 OF 2008

The State of Bihar Vs. Mantu Kumar & Reena Kumar

HON'BLE MS. JUSTICE AB  
HON'BLE MR. JUSTICE CD

Judgment reserved on 03-12-2024

Judgment pronounced on 04-01-2025

1. The curse of dowry has claimed yet another victim. The present appeal arises out of the impugned judgment of acquittal dated 17-03-2008 passed by the 1<sup>st</sup> Additional Sessions Judge, Gaya in Sessions Trial No.381/1981 for the offence under Section 302, 304B, 34 IPC.
2. The Prosecution case in brief is, that on 23-08-1981, between 12:30-1:00 p.m., on hearing screams and cries of Ms. Saloni Kumari, aged about 18 years, P.W.2 (Shruti) along with her father P.W.3 (Kamal), and P.W.4 (Ashok) rushed to the house of the Respondents. They saw the father of Respondent No.1 (father-in-law of Saloni Kumari) along with Respondent No. 1/the husband (Mantu Kumar) and mother-in-law (Reena Kumar) of Saloni Kumari hurriedly coming out of the kitchen while she was lying on the floor engulfed in flames.

As Respondent No.1 did not respond to the request of P.W.2 to give her something to extinguish the fire, P.W.2 requested the father of Respondent No.1 for a blanket. While the father of Respondent No.1 was passing on a bed sheet to P.W.2, Respondent No.2 (mother-in-law of Saloni Kumari) objected. In the meanwhile, P.W.2 took the bed sheet from the father of Respondent No.1 and could manage to extinguish the fire. Saloni Kumari

asked P.W.2 for some water. P.W.3 removed the burning petticoat from the body of Saloni Kumari to save her from further burning. While doing so, P.W.3 also received some burn injuries. P.W.2 poured water into Saloni's mouth and enquired from her as to what happened.

3. Saloni Kumari told P.W.2 that Respondent No.2 (mother-in-law of Saloni Kumari) had poured kerosene over her and Respondent No.1 (husband of Saloni) had set fire to her. Saloni Kumari asked for more water, which was again given to her by P.W.2. Saloni Kumari's statement made to P.W.2 was overheard by P.W.3, P.W.5 and some others who also reached the spot on hearing her cries.
4. P.W.5 went away to inform the maternal uncle of Saloni Kumari with one Mohit on his cycle. There P.W.4 found P.W.1, the brother of Saloni Kumari, and informed about the burning and also what he had heard Saloni telling P.W.2.
5. P.W.1 reached the house of the Respondents with Mohit on his cycle. He saw a number of persons including P.W.s 2 and 3 gathered there. The severely burned Saloni Kumari was lying on the floor, and she had no clothes on her. P.W.1 noticed that she had received burn injuries from her neck downwards to her legs. On seeing her plight, P.W.1 started crying and hitting his head against a pillar. When Saloni noticed P.W.1 had come, she asked P.W.2 to bring her brother inside. P.W. 2 went out and brought P.W.1 to the kitchen. Saloni Kumari told her brother P.W.1 that her mother-in-law poured kerosene on her and her husband set her on fire. She requested him that he should not fight, "anyhow she was dying." She also told P.W.1 to take back the cash given to her and divide it amongst her sisters in equal share and to get them married to nice persons. Respondent No.1, the husband of the deceased, came inside the kitchen sobbing and with folded hands and begged her for forgiveness, saying that he regretted what he had done and that he hopes she survives. P.W.1 got wild and caught hold of the neck of Respondent No.1. P.W.2. P.W.3 rushed towards them and released Respondent No.1 from the hold of P.W.1. They sent P.W.1 to another uncle's house and told the uncle to take care of P.W.1.
6. When P.W.1 returned to the house of Saloni Kumari after one hour, he saw that P.W.6, a local doctor, was giving first aid to Saloni Kumari. P.W. 6 advised at about 3.30 p.m. to take Saloni Kumari to the Government Hospital. Saloni Kumari was brought to the hospital at about 5 p.m. At about 6.30 p.m., P.W.9, a doctor examined her and declared her dead. P.W.1 along with his uncle went to the Police Station, adjacent to the village, and lodged the FIR at 7 PM on the 24-08-1981. A case under Section 302, 304-B, 34 IPC was registered and police investigation started.

7. The Investigating Officer- P.W.14, after collecting the copy of the FIR, proceeded to the Government Hospital and from there went to the scene of occurrence. He drew a site plan of the scene of occurrence and examined P.W.'s 1 to 5 and P.W.9 at Purwa. He also held the inquest proceedings from 6.30 a.m. to 8.30 a.m. on 24-08-1981 and after getting the postmortem conducted at 24-08-1981 handed over the dead body to the family of the deceased. P.W.9 Dr. Rathi who conducted the postmortem examination in his report Ex. P-16 noted extensive 3<sup>rd</sup> degree burns to the extent of 70% on the body of the deceased and opined that the deceased had died due to the extensive burns all over the body and that the injuries were sufficient in the ordinary course of nature to cause death.
8. Both the Respondents were not found in the village when search for them was made by the Investigating Office. Respondent No.1 surrendered in the Court on 10-11-1981 while Respondent No.2 surrendered in the Court on 07-12-1981.
9. The Respondents, when examined under Section 313 CrPC denied their involvement and stated the case to be a false one as the deceased has committed suicide. They, however, produced no evidence.
10. The Trial Court held that there was no motive for the <sup>\*respondents</sup> ~~appellant~~ to commit the crime; that the evidence of P.W.'s 2 to 4 could not be relied upon; that P.W.1 had made improvements in his statements recorded at the trial and, therefore, the oral dying-declaration made to him could not be relied upon. The trial court also held that there was unexplained delay in lodging report with the police. It acquitted the Respondents, held that the case was one of suicide and not of murder.
11. Heard learned counsel for the parties and perused the material available on record.
12. Upon perusal of the documents and hearing the parties at length, we find merit in this appeal and the conclusion of the trial court in holding the Respondents not guilty of the alleged offences for which they were charged, appears not be proper and correct. We hold that the chain of the established circumstances was complete, and the circumstances were sufficient to establish that the Respondents alone had committed the crime of murder of the deceased. As such, Respondent No.1 is convicted of the offence under Section 302 IPC and sentenced to Death. Respondent No.2 is convicted for the offence under Section 304B and 34 IPC and sentenced to 10 years of rigorous imprisonment.
13. In the result, the impugned judgment of acquittal dated 17-03-2008 is hereby set aside, and the instant appeal stands allowed.
14. The Respondent No.1 and Respondent No.2 are directed to surrender forthwith before the Ld. Trial Court. If the Respondents fail to surrender,



the Ld. Trial Court shall procure the presence of the Respondents in accordance with law.

Sd/- AB

Sd/- CD

Patna, 04-01-2025

The convict No. 1/Respondent No.1, who is now 68 years old has approached you on 30-05-2025. He has mixed up his trial and appeal documents with his voluminous stage 4 cancer treatment medical records. No certified copy of the Impugned Judgment has been applied for. He requests you to urgently institute appropriate proceedings in the Supreme Court, in as much as after he left for Delhi from Bihar, his neighbours informed him that the local police had visited his house looking for him. The partial working days at the Supreme Court have commenced. The evidence of the case is in Hindi and the official translators are over-burdened. The convict is panicking and is worried he may be arrested when he returns back.

Instructions:

In this background and in terms of the instructions below, you are required to:

- A. State the title of the main petition and the relevant provision(s) under which you will file such petition for Convict no. 1/Respondent No. 1,
- B. Draft 5 best grounds on the basis of which you will challenge the impugned Judgment and final Order,
- C. State the title of the application(s) and draft the grounds (not more than 3 grounds per application) and prayer(s) for all accompanying application(s),
- D. State the title and provision(s) of the petition and application(s) that you would have drafted for Convict No. 2/Respondent No. 2 (who has passed away on 22-02-2025), if she were alive and would have approached you along with her son, Convict No. 1 seeking legal recourse.

**2. QUESTION NO. 2:**

1. Mr. X, a Member of Parliament (Lok Sabha) has been expelled from the House on the ground that Mr. X was involved in corruption for taking bribe for raising questions in the House. The House did not afford a personal hearing to the member, nor was the member allowed representation before the

Parliamentary Committee which allegedly investigated or enquired into the aforesaid allegations, which had recommended expulsion of such member nor before the House which has expelled him. Mr. X states that the allegations are false, and he has not taken any bribe for raising such a question.

2. The Parliament has enacted the Prevention of Corruption Act, 1988 and such action of a public servant is one of the offences enumerated under section 13 of the said statute. Mr. X says that he is ready and willing to face criminal prosecution for the alleged action, if any, and if convicted by the court, he would be liable to be disqualified by or under any law (Section 8 (1)(m) of The Representation of People Act, 1951) made by the Parliament.
3. Mere allegations against a person without proper investigation should not disqualify a Member as the rule of law requires that any offender should not be convicted on mere suspicion, and a full-fledged trial is essential under criminal law. Moreover, there is a maxim saying that, 'let hundred guilty be acquitted, but one innocent should not be convicted'.
4. However, the House has invoked the power or privileges of the House under Article 105 of the Constitution of India, which provided as under:

***"105. Powers, privileges, etc., of the Houses of Parliament and of the members and committees thereof. - (1) Subject to the provisions of this Constitution and the rules and standing orders regulating the procedure of Parliament, there shall be freedom of speech in Parliament.***

*(2) No member of Parliament shall be liable to any proceedings in any court in respect of anything said or any vote given by him in Parliament or any committee thereof, and no person shall be so liable in respect of the publication by or under the authority of either House of Parliament of any report, paper, votes or proceedings.*

*(3) In other respects, the powers, privileges and immunities of each House of Parliament, and of the members and the committees of each House, shall be such as may from time to time be defined by Parliament by law, and, until so defined, shall be those of that House and of its members and committees immediately before the coming into force of Section 15 of the Constitution (Forty-fourth Amendment) Act 1978.*

*(4) The provisions of clauses (1), (2) and (3) shall apply in relation to persons who by virtue of this Constitution have the right to speak in, and otherwise to take part in the proceedings of, a House of Parliament or any committee thereof as they apply in relation to members of Parliament."*

5. Mr. X comes to you and states that the action of the House is unconstitutional, firstly, as the power of expulsion is claimed by the British House of Commons as its power to constitute itself as to determine qualifications of a member of the House of Commons. Such power is not available to the Legislative Houses in India as these powers are expressly dealt with by the Constitution of India. Therefore, there is no such privilege which can be claimed by the Parliament in India. Moreover, there is no evidence to connect him to the aforesaid allegations of bribe, and therefore, there should be a criminal trial to unearth the truth. The House has conducted summary proceedings without giving any opportunity of hearing rather he was not allowed entry in the premises of the House.

6. The Supreme Court in *Special Reference No.1 of 1964 (Re Keshav Singh)* 1965(1) SCR 413, p. 448 has opined, as under:

*"...The House of Commons also claims the privilege in regard to its own Constitution. This privilege is expressed in three ways, first by the order of new writs to fill vacancies that arise in the Commons in the course of a Parliament; secondly, by the trial of controverted elections; and thirdly, by determining the qualifications of its members in cases of doubt. This privilege again, admittedly, cannot be claimed by the House. Therefore, it would not be correct to say that all powers and privileges which were possessed by the House of Commons at the relevant time can be claimed by the House."*

7. The House of Commons of the UK exercises the power of expulsion as its power to constitute itself under the privileges of the House of Commons of the United Kingdom. Therefore, the Houses of Parliament under Article 105 in India cannot claim this privilege of expulsion as the qualifications of the Members of Parliament are specified in Article 84 of the Constitution, and the disqualifications of the Members of Parliament are specified in Article 102 of the Constitution of India. This is not one of the disqualifications, and the Parliament as provided under Article 102(1)(e) of the Constitution has exercised its law making power by enacting the Representation of the People Act, 1951, and the expulsion has not been specified as one of the disqualifications. Mr. X further states that the decision of *Raja Ram Pal vs. Hon'ble Speaker, Lok Sabha* reported as (2007) 3 SCC 184 by the Constitution Bench with a majority of 4:1, is incorrectly decided, and as it is *per in-curium*.

In view of the aforesaid facts, Mr. X approaches you to safeguard his fundamental rights under the Constitution of India by filing a case before the Supreme Court of India.

Draft an appropriate petition to be filed directly before the Supreme Court under the relevant provision of the Constitution of India and the Supreme Court Rules, 2013 to enforce the fundamental right of Mr. X.

Instructions:

- A. You are required to draft the Memo of Parties, give brief and relevant Facts, state Grounds and prayer(s).
- B. There is NO need to prepare the List of Dates and affidavit.
- C. You must also, as part of the grounds, draft the mandatory pleadings for maintainability of pleading as required under the Supreme Court Rules and/or the Supreme Court judgments.

**3. QUESTION NO. 3:**

1. Marriage between Mr. Raja and Smt. Rani was solemnized on 26.01.2022 according to Hindu rights and ceremonies at Panipat, Haryana, where her parents live.
2. After marriage, Smt. Rani joined her matrimonial home at Hyderabad, Telangana 30.01.2022. However, on account of this, she had leave her well-paying job at Panipat.
3. Soon after marriage, the family members of Mr. Raja started harassing Smt. Rani physically and mentally in a brutal manner for the demand of dowry. Despite this, Smt. Rani continued the relationship with a fervent hope that Mr. Raja and his family members would accept her and stop torturing her.
4. A girl child, Baby Munmun, was born on 02.02.2024 out the wedlock. Smt. Rani was beaten up by Mr. Raja on 15.03.2024. Even the parents of Mr. Raja abused Smt. Rani on account of giving birth to a girl child.
5. Finding no other solution and being fed up with the constant harassment, Smt. Rani called her mother and came back to her parental home at Panipat on 20.03.2024 along with her girl child, Baby Munmun.
6. On 12.01.2025, Smt. Rani filed a petition under Section 12 of the Protection of Women from Domestic Violence Act, 2005 before Shri N. Singh, CJM, Panipat, Haryana, which was registered as COMA No. 22/2025 titled as "Smt. Rani vs. Smt. Raja and others".
7. On 07.02.2025, Mr. Raja filed a petition for dissolution of marriage under Section 13(1)(ia) of Hindi Marriage Act, 1955 having Matrimonial Case No. 33/2025 before Principal Judge, Family Court, Hyderabad, Telangana. He alleged that Smt. Rani has been cruel in her behaviour with his parents,



never did any household work, used to fight and used filthy language with the family members and above all, used to physically assault him. Notice was issued by the Principal Judge, Family Court, Hyderabad, Telangana to Smt. Rani by an order dated 02.5.2025 to appear on 25.07.2025.

Smt. Rani has approached you to file a case before the Supreme Court of India so that Matrimonial Case No. 33/2025 pending before Principal Judge, Family Court, Hyderabad, Telangana is transferred to the Court of the Principal Judge, Family Court, Panipat, Haryana. She also wants that the Matrimonial Case No. 33/2025 should be stayed during the pendency of the matter before the Supreme Court. You have been handed over a copy of the divorce petition, which is in Telegu.

Instructions:

In this background, you are required to:

- A. Draft ONLY (i) Memo of parties, (ii) Ground(s), (iii) Prayer(s); (iv) Supporting application(s) if required.
- B. If any supporting application(s) are to be filed, state ONLY the title, ground(s) and prayer(s) of such supporting application(s).
- C. DO NOT prepare the List of Dates and affidavit.
- D. Give reference to the relevant provision(s) of law under which the transfer is sought.

**4. QUESTION NO. 4:**

1. The plaintiff, Pawan, filed original proceedings before the Revenue Authority/Tahsildar under Section 250 of the Madhya Pradesh Land Revenue Code (MPLRC) for restoration of possession in respect of the suit land. The defendant, Damodar, raised an objection against the maintainability of the application under Section 250 of the MPLRC and vehemently contended that the Revenue Authority/Tahsildar had no jurisdiction to adjudicate the matter since the dispute involved questions of title and the Tahsildar had no jurisdiction to adjudicate on title and could only decide issues of restoration of possession. The Tahsildar, accepting the objection raised on behalf of Damodar, rejected Pawan's application and held that as the question involved in the matter relates to title, the provisions of Section 250 of the MPLRC would not be attracted.
2. Thereafter, Pawan herein preferred an appeal before the SDO under Section 44 of the MPLRC challenging the order passed by the Tahsildar. However, while the said appeal was pending, Pawan filed a suit before the trial court for recovery of possession and injunction. Having been served with the notice of the suit, Damodar filed an application under Order 7 Rule 11 of the Civil Procedure Code and prayed for rejection of the plaint on the ground that the suit before the civil court would be barred in view of Section

257 of the MPLRC. Even though in the earlier round of litigation in the proceedings under Section 250 MPLRC before the Revenue Authority, Damodar had contended that the Revenue Authority did not have jurisdiction, in the civil suit Damodar contended that it would only be the Revenue Authority under the MPLRC that could adjudicate the matter.

3. The learned civil court rejected Damodar's application for rejection of the plaint. Against the said rejection Damodar preferred Civil Revision Application No. 285 of 2019 before the High Court.
4. By the impugned judgment and order the High Court has allowed the revision application and has set aside the order passed by the trial court and has allowed Damodar's application under Order 7 Rule 11 CPC thereby rejecting the plaint, holding that in view of Section 257 of the MPLRC the jurisdiction of the civil court is barred.
5. The impugned judgment of the High Court is as follows:

**In the High Court of Madhya Pradesh  
(BEFORE ABC, J.)**

Damodar		... Petitioner
	<i>Versus</i>	
Pawan		... Respondent

CR-285-2019

Decided on November 27, 2024

The Judgment of the Court was delivered by

**ABC, J.:**— The present revision is filed under Section 115 of the Civil Procedure Code, 1908, challenging the order dated 17.5.2019 passed by the 3<sup>rd</sup> Civil Judge, Class I, Seoni, in RCS No. 177A/2-019 whereby the application under Order 7 Rule 11 CPC has been rejected.

2. The brief facts of the case are that the respondent-plaintiff filed a suit for recovery of possession and permanent injunction. The petitioners/defendants No. 1 and 2 filed an application under Order 7 Rule 11 CPC for dismissal of the suit on the ground that the suit is barred under the provisions of Section 257 of M.P. Land Revenue Code, 1959 (hereinafter referred as 'the Code').

3. Counsel for the petitioners submitted that the respondents filed an application under Section 250 of the Code before the Tahsildar, Seoni for restoration of possession in respect of the same land. The Tahsildar dismissed the said application by order dated 11.4.2019. Against the said order, an appeal has been preferred before the Sub Divisional Officer, Seoni which is pending for adjudication. Thereafter, he has filed a suit for recovery of the possession and

therefore, the same is barred under the provisions of Section 257. The relevant clause of Section 257 of the Code reads as under:—

**"257. Exclusive jurisdiction of revenue authorities. -**

Except as otherwise provided in this Code, or in any other enactment for the time being in force, no Civil Court shall entertain any suit instituted or application made to obtain a decision or order on any matter which the State Government, the Board, or any Revenue Officer is by this Code, empowered to determine, decide or dispose of, and in particular and without prejudice to the generality of this provision, no Civil Court shall exercise jurisdiction over any of the following matters:—

.....  
(x) any decision regarding reinstatement of a Bhumiswami improperly dispossessed under section 250;  
....."

4. Upon perusal of both the proceedings pending before the Sub Divisional Officer and also the Civil Suit, it is evident that in respect of the same suit land between the same parties, the respondent-plaintiff has already filed a case for restoration of possession under Section 250 of the Code. For the same subject matter and between the same parties, he filed the suit for recovery of possession which is apparently barred under the provisions of Section 257 of the Code.

5. In view of the aforesaid, I find that the Trial Court has committed grave illegality in rejecting the application of the petitioners/defendants under Order 7 Rule 11 CPC. The suit is apparently barred under Section 257 of the Code.

6. In view of the aforesaid, present Civil Revision is **allowed**. The impugned order dated 17.5.2019 is set aside.

Jabalpur

Sd/-

ABC, J.

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Pawan's lawyer obtained a certified copy of the High Court's judgment on 02.12.2024. Unfortunately, Pawan died on 07.12.2024, and his only legal heirs are his son Sonal, and widow Vasantabai. Sonal and Vasantabai have approached you on 27.04.2025 to challenge the aforesaid judgment before the Supreme Court of India and they are extremely agitated since they have come to know that, Immediately after the High Court's judgment, Damodar has entered into an agreement dated 30.11.2024 for sale of the property in question to a third party by the name of "M/s Fourth Wave".

Instructions:

In this background, you are required to:

- A. Draft ONLY the (i) Synopsis, (ii) Memo of parties, (iii) Questions of Law (iv) Prayer(s); and (v) Supporting application(s) if required.
- B. If any supporting application(s) are to be filed, state ONLY the title, ground(s) and prayer(s) of such supporting application(s).
- C. There is no need for drafting the affidavit.

#### **Appendix:**

Relevant portions of Section 250 of the Madhya Pradesh Land Revenue Code are as follows:-

**"250. Reinstatement of bhumiswami improperly dispossessed.-**

(1) For the purpose of this section and section 250-A bhumiswami shall include occupancy tenant and Government lessee.]

(1-a) If a bhumiswami is dispossessed of the land otherwise than in due course of law or if any person unauthorisedly continues in possession of any land of the bhumiswami to the use of which such person has ceased to be entitled under any provision of this Code, the bhumiswami or his successor-in-interest may apply to the Tahsildar for restoration of the possession, ...

(1-b) The Tahsildar shall on coming to know that a bhumiswami has been dispossessed of his land otherwise than in due course of law, suo motu start proceedings under this section.

(2) The Tahsildar shall, after making an enquiry into the respective claims of the parties, decide the application and when he orders the restoration of the possession to the bhumiswami, put him in possession of the land...."

#### **5. QUESTION NO. 5:**

1. Whiteflow Solutions is a company registered under the Companies Act, 2013 in India. It has its registered office at Suite 01, Lotus Tower, Homi Mody Street, Fort, Mumbai – 400001 (Maharashtra, India). Mr. Modi is the Managing Director of the company. The company provides back-end support and IT services to overseas companies.
2. Rockfeller Inc is a company registered in the State of Delaware, USA. Its registered address is 1234, West Bay Drive, Suite 210, Wilmington, DE 19801 (USA). It runs a chain of medical and hospital related services and in particular, provides support to hospitals across the United States. Mr. John Macron is the authorised representative of Rockfeller for all its overseas operations and contractual arrangements.
3. Whiteflow and Rockfeller entered into a written agreement on 20.12.2023 whereby Whiteflow agreed to provide back-end IT support to the Respondent for its business in providing medical and hospital related support services in USA. The agreement was for a period of five years with



an option of further extension of five years at mutually agreed terms. The agreement contained the following arbitration clause:

**"L. ARBITRATION CLAUSE:**

*Any dispute or difference arising out of the interpretation or implementation of the terms of this Agreement shall be resolved by Arbitration through a Sole Arbitrator to be mutually appointed by both the parties. The Sole Arbitrator should be a person experienced in international commercial arbitration. The provisions of the Indian Arbitration and Conciliation Act, 1996 shall govern such proceedings. The language of the arbitration shall be English. The seat of the arbitration shall be Bengaluru, India. However, the Arbitrator would be liberty to fix the venue of the arbitration anywhere in India or USA depending upon the circumstances. Indian law would apply to the disputes arising out of this Agreement. The competent Court at Bengaluru shall have the jurisdiction on all matters arising out of or in connection with this Agreement."*

4. Considering the long-term contractual obligations, Whiteflow invested substantial time and money in hiring trained software engineers and Artificial Intelligence experts and in developing the required application. It also created the requisite infrastructure and office space exclusively for the project so as to provide 24x7 back-end IT support for smooth operations of Rockfeller in USA. According to Whiteflow, there were initial teething problems. However, by mid-2024, the operations had stabilized and the entire back-end IT support along with the applications developed exclusively for Rockfeller was running smoothly and without any complaints.
5. It, therefore, came as a huge shock when Whiteflow received a notice dated 20.12.2024 from Rockfeller terminating the agreement. Rockfeller alleged that both services – the application made as also the back-end IT support – provided by Whiteflow has been very sub-standard and hugely disappointing. Whiteflow's failure to adhere to the quality requirements under the agreement has resulted in huge losses to Whiteflow, and particularly, loss of many of its clients. Rockfeller informed in the notice that the employees of Whiteflow were not able to respond to the most basic issues rising the back-end IT support system and the application prepared had endless bugs and errors, which could not be rectified by Whiteflow despite numerous opportunities given to it. Under these circumstances, Rockfeller not only terminated the agreement but has claimed damages to the tune of USD Five Million from Whiteflow.
6. Whiteflow responded to the termination notice immediately on 21.12.2024 where it denied all the allegations made by Rockfeller. While expressing its shock and surprise, Whiteflow noted that all services have been provided with due care and the executive of Rockfeller have not only confirmed the

high quality of services provided but have even, from time to time, issued Appreciation Letters to Whiteflow. Under such circumstances, Whiteflow requested Rockfeller to withdraw its termination notice and let the contract continue failing which Whiteflow would be constrained to claim damages against Rockfeller.

7. By a letter dated 24.12.2024, Rockfeller refused to budge from its position and reiterated the termination.
8. Finding no other alternative, Whiteflow issued a notice on 04.01.2025 under Section 21 of the Indian Arbitration and Conciliation Act, 1996 for appointment of Sole Arbitrator. It suggested the name of Mr. Ramalingam, a known international arbitrator, as the Sole Arbitrator.
9. Rockfeller chose not to respond to the said notice.

Under the aforesaid circumstances, Whiteflow has approached you on 15.01.2025 for immediately filing a case before the Supreme Court of India for appointment of a Sole Arbitrator.

Draft the appropriate pleading.

Instructions:

- A. Prepare an appropriate petition giving the memo of parties, with all prescribed/ mandatory paragraphs in terms of the relevant law(s), brief and relevant facts, ground(s) and prayer(s).
- B. Indicate the date of drafting and date of filing in your pleading.
- C. Give reference of the relevant law(s) under which the pleading would be filed.
- D. Synopsis, List of Dates and affidavit are NOT required.

**6. QUESTION NO. 6 (if you are attempting this question, then, both sub-questions are mandatory and carry 10 marks each)**

**6.1 QUESTION NO. 6.1:**

1. M/s Bright Horizons Pvt. Ltd. ("Bright Horizons") entered into a lease agreement with the Delhi Development Authority ("DDA") for a commercial plot at Connaught Place, New Delhi, on 10<sup>th</sup> May 2019. The lease required Bright Horizons to commence construction within two years. Bright Horizons could not commence construction within two years due to delays beyond their control (such as government sanctions and environmental clearances). Bright Horizons moved DDA in July 2021 seeking extension of time to commence the construction.

2. On 2<sup>nd</sup> December 2021, DDA issued a cancellation order terminating the lease on the ground of "breach of essential terms". Bright Horizons challenged this before the High Court of Delhi in Writ Petition (Civil) no. 98765 of 2021. The High Court dismissed the said writ petition vide judgment dated 15<sup>th</sup> May 2022 by holding that delay in commencement of construction was fatal and DDA's action was not arbitrary.
3. Bright Horizons then filed a Special Leave Petition (Civil) no. 12345 of 2022 before the Hon'ble Supreme Court of India. Notice was issued by the Hon'ble Supreme Court vide order dated 16<sup>th</sup> August 2022. However, no interim order was passed. Upon completion of pleadings and hearing the parties, the Hon'ble Court, vide judgment dated 26<sup>th</sup> April 2025, was pleased to allow the SLP in the following terms:

*"Leave granted.*

*We have heard learned counsel for the parties at length.*

*The record reveals that the delay in commencement of construction was occasioned due to multiple factors, most notably the time taken by statutory authorities to issue clearances, none of which can be attributed to the Appellant. Moreover, there is no allegation of mala fides or deliberate default on part of the Appellant.*

*More importantly, the Respondent has not denied that it has passed the cancellation order without any much as issuing a notice to the Appellant. It is well-settled that any action having civil consequences must be preceded by a notice and after hearing the concerned parties. The Respondent is a 'State' within the meaning of Article 12 of the Constitution of India and therefore, is equally bound by the principles of natural justice. The cancellation order, therefore, is also liable to be set aside on the ground of absence of notice and denial of opportunity of being heard. In such circumstances, unilateral cancellation of the lease by the Respondent, without affording any effective opportunity of hearing, is arbitrary and violative of Article 14 of the Constitution of India.*

*Accordingly, the appeal is allowed. The judgment of the High Court dated 15<sup>th</sup> May 2022 is set aside, and the impugned cancellation order issued by the Respondent is quashed.*

*The Appellant shall continue to hold the leasehold rights subject to compliance with other terms and conditions of the original lease deed. The Appellant shall commence construction within a period of eight weeks from today falling which the Respondent shall be at liberty to*

*cancel the lease. Needless to say that any action by the Respondent must be in accordance with the principles of natural justice."*

4. After the judgment, Bright Horizons discovered that DDA, in the meantime, had allotted the same plot to a third party, M/s Skyline Developers, during the pendency of the litigation and the said allottee is on the verge of completing the construction. Therefore, despite succeeding in the Supreme Court, Bright Horizons cannot regain possession without seeking a clarification / modification of the judgment dated 26<sup>th</sup> April 2025 and consequential directions to the DDA to restore actual possession.

Draft an appropriate pleading on behalf of Bright Horizons to be filed before the Hon'ble Supreme Court.

Instructions:

- A. Draft ONLY the memo of parties, title of the petition, factual background, grounds and prayer.
- B. You must also raise all such pleadings as are mandatorily required for maintaining such a petition.
- C. There is no need to draft the affidavit.

**6.2 QUESTION NO. 6.2:**

Civil Appeal no. 984939 of 2019 is pending before the Supreme Court in which you are the Advocate-on-Record for the sole Appellant, Shri Ramadhar Singh. The issue relates to declaration of title of suit property and recovery of possession. During the pendency of the said civil appeal, the sole Appellant passed away on 02.06.2021. The legal heirs, however, had no clue of the pending civil appeal and therefore, did not inform you of the demise.

The matter came to be listed in the final hearing list of May 2025 and is likely to be taken up in July 2025. Upon enquiry on 01.05.2025, you came to know about the death of the sole Appellant. You are informed that he is survived by his wife, Smt. Kiran Bai, aged about 63 years and two sons – Ramu aged about 35 years and Shyamu aged about 37 years. All live together at Village Kolkapur, Dist. Rolaklla, State of Vaman. You are required to bring the legal heirs on record. They have provided you with the certified copy of the death certificate of the sole Appellant.

In this background, draft an appropriate petition/application for bringing the aforesaid legal heirs of the sole Appellant on record along with any other application(s). Your pleading(s) must be complete to ensure that the Registry places the same before the Court for hearing.

There is NO need for drafting the supporting affidavit.



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**PART B**  
**(4 questions x 5 marks)**

**(Attempt ANY FOUR questions out of Question nos. 7 to 13)**

7. The Supreme Court dismissed SLP(C) no. 4567 of 2025 [M.K.R. Ramakrishnan v State of Kerala] vide order dated 02.05.2025, which was preferred against a judgment dated 12.02.2025 passed by the Kerala High Court in Writ Petition (C) no. 32415 of 2024. You are required to file a petition under Order XLVII, Rule 1 of the Supreme Court Rules, 2013.

Draft ONLY the complete Certificate (including the cause title) of the Advocate-on-Record, which needs to be filed along with the said petition.

8. The Ld. Sessions Judge, Bhiwani in Haryana acquitted Shri Ram Charan, S/o Late Shri Samunder Charan, aged about 52 years, after trial under Section 302 IPC vide judgment dated 21.10.2015. In an appeal preferred by the State of Haryana under section 379 of the Code of Criminal Procedure, 1973, the High Court of Punjab and Haryana reversed the trial court judgment and passed an order of conviction vide judgment dated 11.09.2024 and further, awarded life sentence. Shri Ram Charan applied for a certified copy of the High Court judgment on 11.09.2024, which was delivered to him on 12.09.2024. Shri Ram Charan had all through life lived in his Village Barsi, Tehsil Bhawani Khera, Dist. Bhiwani and has barely travelled outside State of Haryana. He is not at all aware of the Supreme Court working. He sought opinion of his local lawyer in Chandigarh for contacting an Advocate-on-Record in the Supreme Court. The local lawyer gave your contact details. Being from a humble background, Shri Ram Charan also took considerable time to arrange for reasonable financial support in order to challenge his conviction before the Supreme Court. He eventually contacted you and handed over all the papers only on 13.05.2025. You prepared the required pleading to challenge the High court judgment. However, a delay of 152 days has crept in, which necessitates filing of an appropriate application.

In this background and in terms of the instructions below, you are required to Draft ONLY the following:

- A. Heading / title of the appropriate petition.
  - B. Three best grounds of your case.
  - C. Prayer(s) of the petition.
9. Refer to the facts given in Question no. 8 above.

Draft an affidavit in support of the Criminal Appeal with complete cause title. Since Shri Ram Charan is unable to travel himself, his younger brother and

pairkar of the case, Shri Shyam Charan, aged about 45 years would be travelling to Delhi to affirm the affidavit. You have been informed that Shri Shyam Charan is illiterate and cannot read and write in English.

- 10.** A special leave petition was listed for final disposal on 04.03.2025. You are the Advocate-on-Record for the petitioner. On account of sudden medical emergency in the family in the morning of 04.03.2025, you could not attend the matter. You were also unable to instruct anyone else to attend to the matter. As a result, the matter went unattended, and it was dismissed for default of appearance. Your client wants you to move an appropriate pleading so that the matter could be heard on merits.

In view of the above, prepare an appropriate petition so that the matter can be heard on merits.

Instructions:

Draft ONLY the following:

- A. Heading / title of the appropriate petition along with relevant provision of the Supreme Court Rules, 2013.
- B. Three best grounds of your case.
- C. Prayer(s) of the petition.

- 11.** A special leave petition is pending consideration (after notice) before the Supreme Court challenging the judgment of the High Court by which the quashing petition of the petitioner was rejected where you are the Advocate-on-Record for the petitioner. No interim protection was granted by the Supreme Court at the time of issuing of notice on 14.04.2025.

The petitioner approaches you with a serious apprehension of being arrested during the pendency of the special leave petition. Being around 77 years old, he has multiple medical issues. He also believes that he has been unnecessarily and falsely dragged into the criminal case for dowry harassment and attempt to murder (FIR no.482 of 2023) filed by his daughter-in-law, Manorama and the case is liable to be dismissed. So far, the police have not called him for interrogation, but he strongly believes that if called, he would be arrested. He is a businessman and enjoys a good reputation in his locality and has never been involved in any other criminal cases but for one complaint under sec. 138, Negotiable Instruments Act, which was eventually settled. He seeks interim protection from the Court.

In view of the above, prepare appropriate pleading to be filed in the pending matter before the Supreme Court.

Instructions:

Draft ONLY the following:

- A. Heading / title of the appropriate pleading.
- B. Three best grounds of your case.
- C. Prayer(s) of the pleading.

12. Notice was issued in a special leave petition on 04.03.2025. Despite service being complete, the sole respondent did not enter appearance. As a result, the Supreme Court granted leave, heard the matter on merits and allowed the civil appeal. Later, the sole respondent approaches you to move the Supreme Court for re-hearing of the appeal. According to him, the address provided in the appeal was incorrect as a result of which he could not enter appearance. According to him, technically, the appeal has been heard and allowed even without issuing notice to him.

In view of the above, prepare appropriate pleading for re-hearing of the appeal.

Instructions:

Draft ONLY the following:

- A. Heading / title of the appropriate pleading along with relevant provision of the Supreme Court Rules, 2013.
- B. Three best grounds of your case.
- C. Prayer(s) of the pleading.

13. State of Vindyanchal was bifurcated w.e.f. 15<sup>th</sup> July 2024 into State of Vindya and State of Anchāl under the Vindyanchal Re-organisation Act, 2024 enacted by the Parliament. One of the provisions in the Act related to division of assets of the erstwhile State of Vindyanchal over which a serious dispute arose between the two new States. As a result, State of Anchāl moved the Supreme Court under Article 131 of the Constitution of India seeking enforcement of certain provisions of the Act so as to ensure equitable distribution of assets between the two new States. You are the Advocate-on-Record for State of Anchāl. The Chief Secretary has informed you that there is a need for the assets to be protected during the interregnum and therefore, requires you to move an appropriate application under the pending original suit before the Supreme Court.

In view of the above, prepare appropriate pleading seeking interim relief in the original suit:

Instructions:

Draft ONLY the following:

- A. Heading / title of the appropriate pleading.
- B. Three best grounds of your case.
- C. Prayer(s) of the pleading.