



**5<sup>th</sup> SURANA & SURANA AND ARMY INSTITUTE OF LAW**  
**NATIONAL FAMILY LAW MOOT COURT COMPETITION 2024**

**15-17 March - 2024**

**SURANA & SURANA PROPOSITION**

1. Sidhant and Ambika worked at Zebra Solutions, an IT company at Bangalore since 2015. Both of them had been friends since college days and after joining their jobs decided to get married with the approval of their families in 2017. They were blessed with a baby boy named Armaan in December 2018.
2. Ambika is a very independent and outgoing girl who loved parties and Clubbing. She belonged to an upper middle-class family and her father had an export-import garment business based in New Delhi. She had a huge friend circle with whom she would spend most of her time. Akaash was a common friend of her and Sidhant. Akash's father had a small Business in Noida. Akash was very close to Ambika and even liked her during college days.
3. Sidhant is from an affluent family of Kolkata. Since college days Sidhant had a drinking habit and Ambika always used to tell him that one day, he would become an alcoholic. His parents passed away in an accident in September 2018. He has an elder Sister named Sakshi who is unmarried and is a lecturer in a private college. Sidhant after the death of their parents slipped into depression and had to consult a psychiatrist, who put him on medication. He has an ancestral bungalow which is more than 100 yrs. old. He, also, owns a palatial house, a Showroom which is rented at the rate of Rs 2 Lakh per month. The father left an unregistered Will leaving all the properties to Sidhant, Sakshi and the child of Sidhant and Ambika.
4. During the period of corona when work from home had to be done Sidhant never contributed to the household chores and rather his drinking became worse and he became irritable as he was not able to go out anywhere with his friends. Ambika while working also had to take care of Armaan as well. She was stuck with household work and her child. Although she would video call /chat with friends but her social life had been hampered due to the non-co-operative nature of Sidhant.
5. In August 2020, Armaan was diagnosed with a severe case of Rickets. He needed extra care on a 24/7 basis. Sidhant often got anxious about the disease and also fought with Ambika as she didn't take care of their child.
6. Ambika used to discuss her problems with Akaash and told him about Sidhant's careless attitude and also that she had been converted into Sidhant's maid and she didn't have any

identity and personal life. Akaash used to console her. In July 2022, Akash told Ambika that he would be coming to Bangalore in Sept/Oct and they will catch-up.

7. On 20 Sept 2022, Ambika told Sidhant that she is going out with her old friend Akash and would be back in two three hours. Sidhant said that he already has his plan with his friends and went out with his friends. Despite that Ambika left the child with the house help and went out to meet Akash. Armaan while trying to walk, fell down from the stairs and cried in pain the whole night. The house-help made frantic calls to both the parents but they did not respond.
8. Next day morning when Ambika came back home, she took Armaan to hospital and cried uncontrollably. Sidhant came to know about the incident after reaching home. He was shocked and scared for Armaan's health and blamed Ambika for leaving the child alone the whole night.
9. Ambika's frustration reached another level and she would blame Sidhant's careless attitude for all the problems. Sidhant's drinking increased over the period of time and he started misbehaving with Ambika.
10. On 23.10.2022, Sidhant went to Kolkata to look into some family affairs but didn't return for two months. During Sidhant's visit, Sakshi tried to convince Sidhant that they should convert the ancestral bungalow into a boutique hotel. But Sidhant didn't pay much heed to Sakshi's suggestions and told her that they were already getting enough in the form of rent to sustain comfortably.
11. On 20.11.22 Sakshi came to Bangalore for her friend's wedding. Sakshi went to meet Ambika. Ambika shared with Sakshi that she was finding it nearly impossible to balance her job and child alone. Sakshi suggested that she would take Armaan with her for some time and in the meanwhile Ambika could gather herself.
12. On 03.12.22 Akaash called up Ambika that he was starting a new venture and offered for her to come and join him at Delhi. Ambika readily accepted the offer on 15.12.22 and resigned without informing Sidhant and went to Delhi.
13. On 10.12.22, Sidhant when came to know of this, over the phone fought with Ambika as how could she do this without even telling him. Sidhant also mentioned that Ambika did not even care about Armaan. After the fight with Ambika, he got so upset and slipped into clinical depression and finally lost his job. Sidhant tried to contact Ambika many times but she didn't revert back.
14. On 22.12.22, Armaan had to be admitted to hospital due to food poisoning. Sakshi stayed at hospital with Armaan to take care of him whereas Sidhant used to come back home every night. On 25.12.22 night, Sidhant told Sakshi that she is Armaan's mother in the true sense and told Sakshi to always take care of his son, especially if he is not there. On reaching home, he drank heavily and along with that takes some sleeping pills, which resulted in his death.

15. Sakshi was in a state of shock and found it difficult to manage things due to the brother's death and ill health of Armaan. As Ambika could not reach the very next day the lastrites on Sidhant had to be pushed to 30.12.22.
16. On 31.12.22 Ambika requested Sakshi to let her leave for Delhi as her job was new and it was difficult for her to leave her work as now, she has to sustain herself and will have to work harder for herself and Armaan. Ambika rather requests Sakshi to continue to keep Armaan at Kolkata. Sakshi also agrees as she felt alone and child gave solace to her.
17. Armaan adjusted well with Sakshi. Sakshi worked hard on Armaan's health and he showed considerable improvement. He starts to walk as well and doctors also appreciated Sakshi's hard work. Sakshi admits Armaan to a play school in Kolkata.
18. Ambika on the other hand engrossed herself in work at Akash's company. Akaash supported Ambika emotionally during this time.
19. On 11.03.23, Ambika went to Kolkata to meet Armaan and take him to stay for few days with her at Delhi. Ambika told Sakshi that once she arranges for her own accommodation at Delhi she would take Armaan to Delhi with her permanently. Sakshi became gloomy and said that Armaan was her life. Ambika took this lightly and said that "surely he is Bua's life" and thanked Sakshi for supporting her. Sakshi packed up Armaan's stuff very unhappily and kissed him as he was about to go away from her for a couple of days. Ambika consoled Sakshi that he would return in a few days. She mentioned to Sakshi that her job is not going well and Akaash's venture had not been able to gain any profits. She asked Sakshi for some financial help to which Sakshi was surprised but gives her Rs. 50,000.
20. On 12.03.23, Ambika went to sit in the car to leave for airport and she picks up Armaan to sit in the car but Armaan started crying and leaned towards Sakshi. Armaan got himself freed from Ambika's lap and went towards Sakshi. Sakshi picked him up and caressed him lovingly. She tried to console him and pointed towards Ambika saying "Go with your Mumma for some days and I will bring you back soon". But Armaan hugs Sakshi saying "No, you are my Mumma". He cried unconsolably and eventually Ambika has to leave for Delhi without Armaan.
21. Ambika on coming back narrated the incident to Akaash, who told Ambika to not to be sad and everything would be alright soon. Akaash suggested Ambika to talk to Sakshi about giving her share out of Family's property to her. When Ambika told Sakshi on phone, she became a bit apprehensive and said that she would talk to the lawyer about the matter.

22. In June 2023 Akaash told Ambika of his intention to marry her and also that he would adopt Armaan after marriage. On 30.07.23, Ambika marries Akaash in a private wedding. In October 2023 Ambika came to know that she is expecting again.
23. Akaash's company had started to suffer financially. Akaash time and again insisted Ambika to bring Armaan back on several occasions. On 05.02.2024, Akaash and Ambika had some arguments, he insisted her to get Armaan back at the earliest. Ambika also consents to the same.
24. On 10.02.24 Ambika went to Kolkata to get Armaan back to stay with her permanently. Sakshi becomes furious and alleges that Ambika has not been bothered by her child's illness and loneliness for past two years and now that Ambika perceives Armaan as a gold mine has now suddenly come to take him. Sakshi also claims that Ambika wants to get the child back now because Ambika and her husband are aware of the properties to which Armaan is legal heir and they have no emotional connect with the child. Ambika tells Sakshi that she has given birth to Armaan and will eventually get him through court. Sakshi refuses to give Armaan back.
25. Ambika files a case for the custody of the Armaan being him Natural Guardian and claims a share in the ancestral property. Sakshi takes the defense that she be appointed as the legal guardian of Armaan in the best interest and welfare of the child.

Argue the case from both sides.