



### **MOOT PROPOSITION**

1. Nb Sub Ashutosh Verma served in the Indian Army for 23 years and was posted in several strategic units under the Indian Army.
2. Ashutosh married Sanya Kapoor, in May 2011, who is a school teacher. They had a son named Ishaan, born on January 2, 2006.
3. The marital relationship between Ashutosh and Sanya deteriorated due to personal differences and allegations of neglect from both sides.
4. In January 2019, the couple filed a joint petition for divorce by mutual consent under Section 13B of the Hindu Marriage Act, 1955, at Jaipur, which was finalised in December 2019.
5. As part of the settlement, Ashutosh agreed to pay ₹14,00,000 to Sanya towards a final settlement for maintenance and the upbringing of their son, Ishaan. The settlement also expressly stated that Sanya would not claim any benefit in the future. The Family Court issued the decree based on the settlement reached in 2019.
6. Ashutosh married Kavya Mehta, who was working as a nurse in a hospital in January 2021. After the second marriage, Ashutosh updated his official service records in his unit and started living peacefully afterwards.
7. Sanya Kapoor also married, in April 2021, Harish Kumar, who owns a supermarket in the same locality.
8. After his mother's remarriage, Ishaan started living with his grandmother, who took his responsibility at Ashutosh's native town, Baghera. He took admission in the local government school situated in the town. Ishaan's grandmother passed away on 25 May 2023 due to age-related issues. Ishaan continued living in the village under the care of Ashutosh's distant relative.
9. Ashutosh got his new posting at Bikaner in April 2023, and he died in a road accident on 28 June 2024, while on duty.
10. Ishaan was finding it difficult to cope with circumstances financially and emotionally. He had been undergoing coaching classes for the engineering entrance exam, but he was worried about the college fees and other expenses. He aspired to join a good engineering college in the future.



## 7<sup>th</sup> SURANA & SURANA AND ARMY INSTITUTE OF LAW FAMILY LAW MOOT COURT COMPETITION - 2025-26

**Virtual: Feb 20<sup>th</sup> & Feb 21<sup>st</sup>, 2026; On Campus: Apr 10<sup>th</sup>-12<sup>th</sup>, 2026**



11. Ishaan approached his father's unit in December 2024 to avail the benefits of his late father. He was shocked to know that the orders for the release of all service benefits amounting to ₹32,50,000 have been issued in favour of Ms. Kavya Mehta.
12. Ishaan, after consulting a lawyer, filed a petition before the Armed Forces Tribunal, Jaipur Bench, seeking his rights in the family pension and service benefits in March 2025. After hearing both sides, the AFT directed that the benefit be released according to the service record book in which the name of Ishaan is written as his son. The AFT orders the unit to rectify its decision and release the benefits equally between Kavya Mehta and Ishaan in Nov 2025.
13. Aggrieved by the order of AFT, Kavya approached the High Court in December 2025, wherein she contended that the mutual settlement at the time of divorce bars any future claims. As a lawfully wedded wife, she alone is entitled to all service-related benefits. Ishaan is not entitled as per the settlement made when the decree of divorce was granted between his late father Ashutosh Verma and mother Sanya Kapoor. Kavya further asserted that family pension is a statutory right that cannot be shared, ignoring the terms of the settlement. As the spouse of Ashutosh Verma she holds a legal right to succeed to her husband's service benefits.
14. Ishaan pleaded that a son cannot be deprived of his rights through any settlement executed between his late father and his mother, who has now remarried and that the service records which also include his name as a son. His right cannot be waived off based on an agreement between his parents. He further pleaded that he is a studious boy who wanted to pursue his dreams of becoming an engineer, but is unable to do so due to a paucity of funds. With the benefits from the father's service, he will be able to achieve his goals.

Issue 1: Is the agreement made by the parents against the interest of Ishaan valid?

Issue 2: Can Ishaan claim the service benefit of his late father?