

GENERAL CLRAIFICATIONS:

1. *“Mr Heisenberg sued Travel Solutions Private Limited before the High Court of Mumbai for negligence. He claimed a sum of **Rs. 50 lakhs** towards cancelled air tickets, hotel reservations, mental trauma, agony etc. suffered by him and his family owing to the negligence on the part of Travel Solutions Private Limited.”*

There is a change in sum claimed by Mr. Heisenberg before the High Court of Mumbai. The sum is Rs. 1crore. The paragraph now reads as follows -

*“Mr Heisenberg sued Travel Solutions Private Limited before the High Court of Mumbai for negligence. He claimed a sum of **Rs. 1 crore** towards cancelled air tickets, hotel reservations, mental trauma, agony etc. suffered by him and his family owing to the negligence on the part of Travel Solutions Private Limited.”*

2. There is no dispute regarding the authenticity of the documents or evidences. All arguments must be based on legal points only.

CLARIFICATIONS RAISED –

1. Which Act is to be referred to know about the pecuniary jurisdiction of Bomb High Court?

No clarification required.

2. In paragraph 17 of the moot proposition, it is mentioned that Mr. Heisenberg sued Travel Solutions Private Limited for a sum of Rs.50 Lakhs before the High Court of Mumbai. However, in the Bombay High Court (Original Side) Rules it is mentioned that the pecuniary jurisdiction of Bombay High Court is above Rs.1 Crore. So, are the rules of High Court of Mumbai at par with rules of Bombay High Court?

Refer to General Clarifications No.1

3. In the Rules of The Competition, point VIII (a) states that each team must prepare a memorial for both parties to the dispute (Petitioner and Respondent). According to my knowledge and understanding, this is a plaint therefore, shouldn't the memorial be drafted for the Plaintiff and the Defendant?

The written submissions must be drafted by correctly identifying the relevant parties of the case.

4. Are the rules at par with the Indian laws, as no such specification is mentioned?

The laws are in *pari materia* with the laws of India.

5. The case is before the High Court of Bombay. The plaintiff is asking for 50 lacs of compensation. It is important to mention here that the pecuniary jurisdiction of Bombay HC is minimum 1 crore and cases having valuation below 1 Crore have to be tried by City Civil Courts of Bombay. So there is no jurisdiction and the suit can be easily rejected by order 7 rule 11 CPC. Also it cannot be framed as an issue as it is directly hit by the provisions of CPC and also by the notification passed on 28 August 2012 regarding the pecuniary jurisdiction of Bombay HC.

Refer to General Clarification No.1

6. Jurisdiction: Why was the case directly filed at the High Court of Bombay, instead of approaching the consumer forum first? Considering how the case is coming within the purview of the Consumer Protection Act, 1986.

No clarification required.

7. In Para 6, the documents had (to be) been dispatched for the Delhi Office of TSPL or for Mister Tommen's House?

Language adopted in Para 6 is clear.

8. The absent additional document had been missing from the list of documents provided by TSPL (Para 5) or had it been missing from the documents provided by Mister Heisenberg on the 11th of August? (Para 6)

No clarification required. Kindly refer to Moot Proposition.

9. Para 18, mentions the statement "Mr Heisenberg too was responsible for not having submitted the documents in order." There's no mention of the same in the facts.

No clarification required.

10. Even though the suit is based on Tort law, can there be an incorporation or mention of sections of the IPC? In the Memorial and arguments?

No clarification required.

11. We want to seek clarifications regarding the filing of the suit in the Bombay civil court or as specified in the Mumbai High Court in point no. 17

Refer to General Clarifications No. 1

12. Did Mr. Heisenberg provide all the documents according to the list given by Mr. Tommen?

The same must be inferred from the Moot Proposition

13. Did Mr. Tommen give the list of all the documents that were needed?

The same must be inferred from the Moot Proposition

14. What was the mode of sending the Visas to the Chennai airport?

No clarification required.

15. In which Court Travel Solution Private Limited has filed the counterclaim?

No clarification required. Kindly refer the Moot Proposition.

16. As it is mention in the moot proposition Para 20, that the trial is completed and the case is posted for final hearing. Does this mean that the High Court of Mumbai has accepted the pecuniary jurisdiction?

Refer to General Clarification No.1

17. What is the remedy or compensation sought by Travel Solution Private Limited in their counterclaim?

No clarification required.

JUDGEMENT WRITING

1. Is Judgment Writing 'On the spot' Competition.

It is not an 'on the spot' Competition. Refer to Rule XVII (5) (b), of the Rules and Regulations provided.

2. Is there a specific team member (as in the researcher) who should participate or can any member take part or should the whole team take part in it?

The team for Moot Court Competition can participate in Judgment writing as well.

3. Do we have to submit a hardcopy of the judgment as well on 11th March 2018?

The soft copy of the judgment must be submitted by way of email / CD / pen drive on 11 March 2018 (Sunday) 10.00 a.m. A soft copy of the same must be forwarded to mootcourt@lawindia.com

Administrator
12 February 2018