

THE LAW COMMUNICANTS

2ND Judgement Writing Competition

Proposition

1. Mr. Xavier is a software engineer working with Ledtech, a software development company. He has a very hectic working schedule due to which he hardly gets any leave. Due to the nature of the work in the company if any employee is planning to take any leave he has to apply for it in advance several weeks before. In spite of his busy work schedule Mr. Xavier always takes his family for vacation once in every two or three years. He planned for a vacation trip to Azkabanistan in the third week of April.
2. Stark Enterprises is a renowned travel company housed in Pewter City that provides all types of services to its customers including visa processing, booking of tickets, hotel reservation, tour packages etc. In furtherance of his plan to visit Azkabanistan he contacted the travel company.
3. The executive of the travel company met Mr. Xavier and briefed him about the services provided by the company. Mr. Xavier was mostly concerned with the visa process. The executives of the travel company assured him that tourist visa is usually issued between 10 to 15 days and will not take more time than that.
4. Mr. Xavier was interested in booking the flight tickets through Stark Enterprises Company from Pewter City to Animarium via Pallet Town. Nonetheless company advised him to book flight tickets from Beauxbaton to Animarium citing the reason that the entire fare would be lot cheaper as he has to book tickets for the entire family. He accepted the advice of the company and booked tickets from Beauxbaton to Animarium on 19.04.2020.

5. Mr. Xavier was provided with a list of documents necessary for the visa processing on 18.03.2020 by Mr. Tony of Stark Enterprises Company. He asked Mr. Xavier to give the documents to him personally so that he could inspect it and send it to their head office at Danville so that visa application process could be initiated with the embassy.
6. Mr. Xavier submitted the requisite documents to the travel company on the evening of 21.03.2020 at the reception desk of the company but by that time Mr. Tony has already left the office. Therefore Mr Xavier talked to Mr. Tony who directed the receptionist to dispatch the documents instantaneously.
7. Mr. Xavier on 30.03.2020 got a call from the Stark Enterprises Company Danville office that additional documents are required from him to complete the visa process. Mr. Xavier was very disappointed with the company as yet his documents were not submitted to the embassy.
8. The travel company informed him that there were several public holidays between 21.03.2020 to 31.03.2020 due to which his visa application was delayed. He was also informed that the documents were dispatched only on 24.03.2020 and received in Danville office on 27.03.2020. Saturday and Sunday the embassy was closed. On 30.03.2020 the company realized that some documents were missing so they contacted Mr. Xavier.
9. Stark Enterprises Company apologized to Mr. Xavier and requested him to send the requisite documents as soon as possible. Mr. Xavier took a day off from work and sent the required documents to the Danville office of the travel company by courier on 31.03.2020. The travel company received the documents on 01.04.2018.
10. Stark Enterprises Company deposited the required documents to the embassy for visa on 01.04.2020. Mr. Xavier was highly dissatisfied with the working of the company. Nevertheless, he was assured by the company that the visa would be issued within the timeframe as all documents are now in order.

11. On 11.04.2020, visa was finally issued to Mr. Xavier by the embassy. Travel Company received the visa on behalf of the Mr. Xavier and sent him a snapshot of it on WhatsApp. Relieved Mr. Xavier requested the travel company to deliver the passport to him immediately. Stark Enterprises company executive advised him that due to shortage of time it would be better to deliver the passport to Beauxbaton instead of Pewter City where Mr. Xavier resides as his flight is from Beauxbaton so the company promised Mr. Xavier that they would deliver the passport with visa to him on the day of the journey at Beauxbaton airport itself.
12. Mr. Xavier left Pewter City on 18.04.2020 along with his two children's and wife to Beauxbaton. He arrived at Beauxbaton airport by 13:00 PM as his flight was at 18:00 PM he waited at the airport for passport but he received it on 20:00 PM by that time he missed his flight to Azkabanistan.
13. Mr. Xavier was enraged at the travel company as it was due to their irresponsible behaviour he was left stranded with his family on the Beauxbaton airport. On top of it he was later on informed that flight from Pewter City to Animarium was refundable but flight from Beauxbaton to Animarium was not refundable which was booked on the advice of the travel company.
14. It was really very painful for Mr. Xavier as he has lost lot of money towards the flight tickets, hotel reservations etc., along with the fact that his family has to go through lot of mental trauma and embarrassment. Due to anger and frustration, he wrote on his twitter page that "STARK ENTERPRISES is a cheat and Fraud Company with no ethics and no one should ever try to plan any vacations with the help of the company".
15. Further, Mr Xavier uploaded a picture of his entire family stranded at the airport along with a detailed post placing the entire blame on the company. He ended the post with #STARK ENTERPRISES sucks and a logo of the company.

16.The social media outrage of Mr. Xavier stuck a cord with the general public. In no time the Facebook image was shared several hundred times and his tweet was retweeted several thousand times. The hashtag started by Mr. Xavier was trending the very next day. The incident drew widespread condemnation on the internet.

17.Mr. Xavier sued Stark Enterprises Company before the Pewter City High Court 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 company.

18.Stark Enterprises defended the suit on the ground that the issuance of a visa is not within their control and is the sole discretion of the embassy. Any delay cannot be attributed to the company. They further claimed that Mr. Xavier too was responsible for not having submitted the documents in order.

19.Stark Enterprises Company on the other hand filed a counterclaim against Mr. Xavier alleging that due to Mr. Xavier malicious allegations against the company on social media it has suffered a tremendous loss of reputation and good-will. The social media post was defamatory and false.

20.Trial proceedings have been completed and the case is due for final hearing.

NOTE: Participating teams have to identify the case title, court of institution of the suit and fact in issues.