



The Tamil Nadu Dr. Ambedkar Law University  
தமிழ்நாடு டாக்டர் அம்பேத்கர் சட்டப் பல்கலைக்கழகம்



1st EDITION OF THE MEMORIAL DRAFTING  
AND  
JUDGEMENT WRITING COMPETITION, 2023

# BROCHURE

In association with:



Organised by School of Excellence in Law,  
TNDALU, Chennai



**ABOUT AKV LAW FIRM- Law Firm Partner for the Event**

The Founder of the Law Firm, Adv. A.K. Vijay Maghesh is a proud alumni of Queen Mary University of London and School of Excellence in Law Chennai. Adv. A.K. Vijay Maghesh firmly believes that, “*It’s not the destination that matters but the journey and path you walk to reach the destination*” and this firm is the epitome of its founder’s journey of perseverance and hard work.

Situated at No.51/23, North Boag Rd, T. Nagar, Chennai, Tamil Nadu 600017, the firm caters to all the needs of its clients to the best of its abilities. The Firm deals with cases pertaining to Civil, Criminal, Corporate Litigation and Corporate transactions, Intellectual Property Rights, Family Laws and Election Laws. The Law Firm has been established with the sole aim to advise and represent individuals as well as businesses including companies whilst marking its presence in various sectors and arenas of law.

The founder of AKV LAW FIRM Adv. Mr. A. K. Vijay Maghesh is known for his adept understanding and interpretation of the Law and his succinct and precise argumentative skills. In a considerably short span of time, Ad. A.K. Vijay Maghesh has carved a name for himself in the field of law. Taking the plunge of practicing as an Independent Law Practitioner was never easy but Adv. Mr.Vijay Maghesh has never been scared of facing challenges head on. His resilience, perseverance and dedication towards his dream and his goal are an absolute inspiration.

**Contact Details of the firm-**

Email: [akvlawfirm@gmail.com](mailto:akvlawfirm@gmail.com)

Phone No.: 080560 68871

We are honored to have AKV LAW FIRM as our sponsor for the 1<sup>st</sup> Edition of this event!

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**M/s. BRAHMASTRA & Co. vs. SHIVA**

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1. Shiva, a sixteen-year prodigy, citizen of Indiana was the recipient of the ***“Sensational Voice of the Nation”*** award. He was an astounding singer, extremely talented not only in Rap, Rock, Hip-Hop and Jazz but also in Classical and Folk. He wanted to develop his musical career by releasing fusion albums combining different genres and by engaging himself on world music tours. So, he wanted a multi-purpose, ultra-modern architectural marvel where he could have his recording studio, theatre - for live musical performances and a roof top pool for hosting parties. He misrepresented himself as a major and put the task out to tender.
2. M/s. Brahmastra & Co. was a leading building constructor and infrastructure provider. They offered to do the entire work for Rs.10,00,000/-. Both the parties knew that this was an unrealistically low-price contract and the amount will be paid in installments in order of the completion of different phases of the assigned work.
3. Shiva accepted their offer and entered into a contract for construction of the multi-purpose building and for providing all amenities therein. According to the contract, the ground floor was for parking, the first floor was for the music theatre, the second floor was for the recording studio and the last floor for the roof top pool. M/s. Brahmastra & Co. completed the construction of the ground floor and first floor and ran out of money and materials for further construction. They informed Shiva that they could not complete the construction unless further capital was made available to them.
4. Shiva had arranged a poolside party to which he had invited top music directors, producers and other renowned individuals in the music industry whom he believed would fund for his dream music albums and music tours. So he was desperate to have the construction of the roof top pool completed as stipulated. He had requested for the continuance of the construction work and further requested to spend the remaining amount of Rs.7,00,000/- on the work out of their own funds and assured them that the money would be paid to them as soon as his album is released.

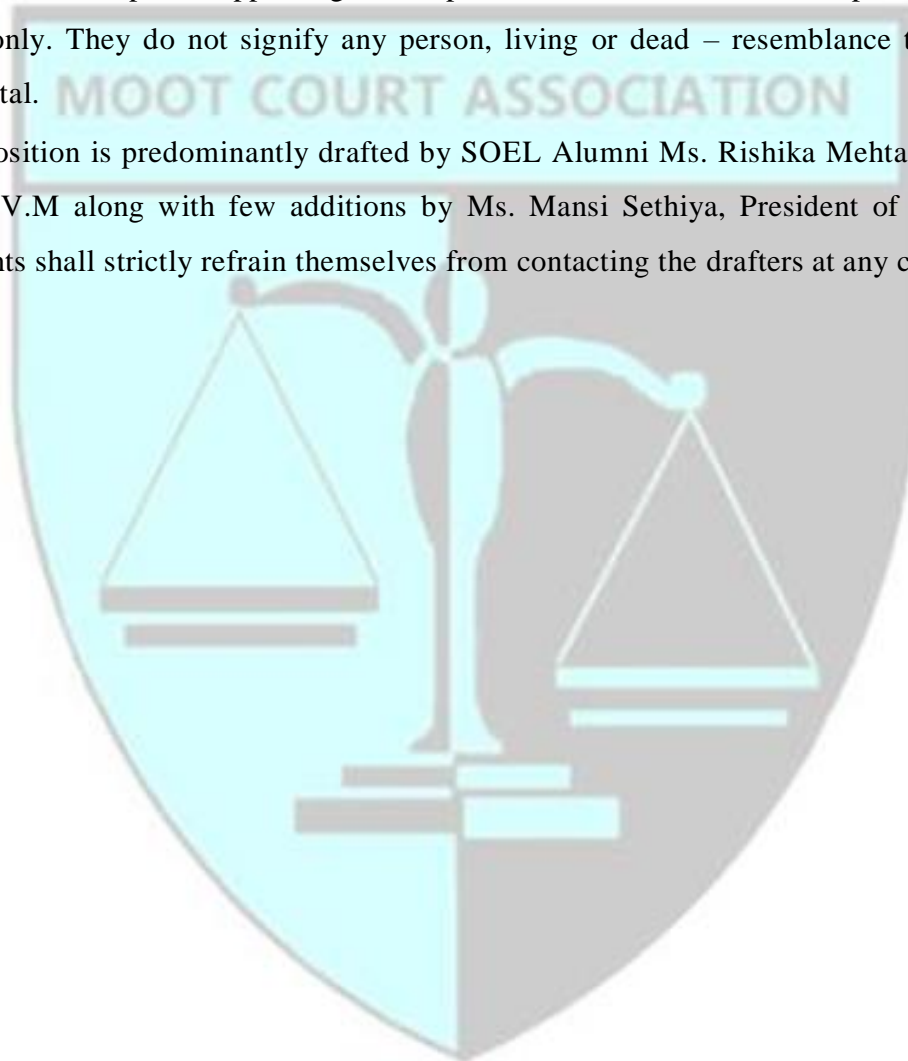
5. The roof top pool was completed and the party was a success. Shiva entered into a contract with Dev Producers who agreed to fund for the fusion albums and world tours. Shiva told Ms. Isha, the Manager of M/s. Brahmastra & Co. “Madam, you have saved my career. Don’t worry about Rs.7,00,000/-.” Having this as a promise, M/s. Brahmastra & Co. started a new project. However, Shiva’s new fusion music album was a disastrous flop. Social media enthusiasts and meme pages massively trolled him for his raucous and bizarre fusion music. He then found himself unable to pay the amount of Rs.7,00,000/- to M/s. Brahmastra & Co.
6. Ms. Isha compelled Shiva to render a music performance in her daughter’s birthday party. Apart from relatives and friends she had also invited rich people, in order to secure contracts regarding building, construction etc. and in return she agreed to release Shiva from paying the debts of Rs.7,00,000/-. Shiva agreed on this point and was ready for the music performance in the party. He also wanted to get back his lost reputation and start his career afresh. However before the party, he suffered from a severe sore throat due to over-repetition of rehearsals. Then he did not perform in Ms. Isha’s party on the advice of his doctor.
7. On Shiva’s eighteenth birthday, both the parties, on grounds of humanity, decided to alter the contract. Shiva acknowledged the debt taken from M/s. Brahmastra & Co. for rendering past services and further both agreed on the same point that Shiva would pay the debt through easy monthly installments (EMIs) of Rs.20,000/- per month till the repayment of the amount of Rs.7,00,000/-.
8. Shiva, later on, felt that the work done by M/s. Brahmastra & Co. was not performed as he had specified. He further pointed out that the material used for constructing was sub- standard and not satisfactory. He estimated that this would have costed them Rs.3,00,000/- only. He claimed that he had paid the money already.
9. Shiva then decided to dispose off his property, without paying a single dime to M/s. Brahmastra & Co. When all this foul play came to their knowledge, they tried to restrain him by putting enormous pressure in order to recover their money amounting to a total sum of Rs.7,00,000/- which they spent on the construction and amenities. Even after such prolonged period and

altered mode of payment, M/s. Brahmastra & Co. could not recover the debt from Shiva. As a last resort, they sent him a legal notice, stating that the money shall be repaid within 15 days. However, Shiva did not send any correspondence or reply to the said notice. Instead he posted an offensive post against M/s. Brahmastra & Co. on his social media having nearly 15,000 followers where he accused them of cheating people with their below par construction work.

10. In this context, M/s. Brahmastra & Co. finally decided to seek remedy from the Court of Law in this regard. The suit was filed by M/s. Brahmastra & Co. before the Civil Court of Sardam, in the State of Indiana on the ground that they had constructed the building as per the terms of the contract and had taken all the diligent steps to recover the loan made available to Shiva for Rs.7,00,000/- but now he refused to pay the said amount and alleged fraud against him. They also prayed for injunction restraining Shiva from selling the property until the suit was disposed off. Additionally, they sued Shiva for defamation as his statement on social media had cost them two huge projects.
11. The Civil Court of Sardam heard the matter and held that a minor's contract is *void ab inito* and thus set Shiva free from all his liabilities towards M/s. Brahmastra & Co. by upholding the judgment passed in *Mohori Bibee v. Dharmodas Ghose*. The plea of restitution raised by the Plaintiff was rejected and injunction was not granted. Additionally, the Court also stated that the defamation case against Shiva was liable to be dismissed.
12. M/s. Brahmastra & Co. preferred an appeal before the High Court of Sardam. The High Court granted injunction and decided to hear the case on merits. The following are the issues framed for consideration:
  - i. Whether there is a valid contract between M/s. Brahmastra & Co. and Mr. Shiva?
  - ii. Whether the Civil Court of Sardam was correct in rejecting the plea of restitution?
  - iii. Whether Shiva was liable for the offence of defamation under the Indian Penal Code?

**Note:**

- \* No other issues can be added. However participants are free to add sub-issues.
- \* The principles of supply of ‘necessaries’, frustration of contract, estoppel, ratification and novation may be relied upon.
- \* Laws of Indiana are *pari materia* to laws in India.
- \* Common Law judgments and other foreign judgments hold high persuasive value in Indiana.
- \* The characters and places appearing in this problem are fictional and used purely for academic purpose only. They do not signify any person, living or dead – resemblance to any is purely coincidental.
- \* The proposition is predominantly drafted by SOEL Alumni Ms. Rishika Mehta and Aishwarya Lakshmi V.M along with few additions by Ms. Mansi Sethiya, President of MCA 2022-23. Participants shall strictly refrain themselves from contacting the drafters at any cost.



## JUDGEMENT WRITING COMPETITION RULES

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### 1. **TITLE**

These Rules may be called the “**Judgement Writing Competition Rules, 2022.**”

### 2. **GENERAL RULES**

2.1 The language of the Competition shall be English.

2.2 The **Schedule** of the Competition may be revised from time to time. All changes will be published on the MCA Website and Instagram Page.

2.3 For the same above stated Proposition, judgement is being pronounced by the High Court on 20<sup>th</sup> Feb, 2023 and a judgement for the same has to be drafted by participants.

2.4 No facts beyond the Moot Proposition can be used.

### 3. **ELIGIBILITY**

Students pursuing their bachelor’s degree in the current calendar year in a three-year course or five years course in law from any recognized law school/ college/ university are eligible to participate in the competition. **THERE IS NO CAP FOR PARTICIPATION FROM ONE INSTITUTION.** Students from the Host University are also allowed to register.

**Disclaimer: Judges for the Judgement Writing Competition will NOT be SOEL Alumni or any person associated with SOEL. Esteemed Supreme Court Advocates and prestigious NLU Professors will be judging all submissions.**

### 4. **REGISTRATION**

Students can participate either individually or as a team of two.

Registration Fee for individuals- Rs. 300/-

Registration Fee for team of two- Rs. 550/-

**Registration Link:** [https://docs.google.com/forms/d/e/1FAIpQLSe455RRYK\\_7-yODGiUOYJuXGR4IByW4bhsCEpOHHZDjkrMd4w/viewform?usp=share\\_link](https://docs.google.com/forms/d/e/1FAIpQLSe455RRYK_7-yODGiUOYJuXGR4IByW4bhsCEpOHHZDjkrMd4w/viewform?usp=share_link) to be filled on or before 5<sup>th</sup> Feb, 2023.



**Payment:**

- **ACCOUNT NAME: TAMIL NADU DR. AMBEDKAR LAW UNIVERSITY MOOT COURT ASSOCIATION**
- **ACCOUNT NUMBER: 67104604033**
- **IFSC NUMBER: SBIN0070688**
- **BANK NAME: STATE BANK OF INDIA**
- **BRANCH NAME: PNSB BRANCH RAJA ANNAMALAIPURAM**
- **BRANCH CODE: 70688**

**Note:** Both Competitions (Memorial Drafting and Judgement Writing are independent competitions. Students can choose to either register for one or both.)

**5. SUBMISSION PROCEDURE**

- The first page of Judgment must contain Team Code, Name of the Court, Title, Number of the Case, Date of Delivery of Judgment, Nature of the Case (Civil/Criminal/Writ).
- Do not state any matter in the judgment (except the cover page) that might reveal your identity or of your institution.
- All the Judgments must be saved and sent as PDF file. The title of the file must be in the following format JW\_(TEAMCODE).
- The participants who register for the event shall be provided with a Unique Registration Code which shall be used for all further communication and submission of the write-up.
- The write-ups shall have no plagiarism and should be the original work of the participants.
- The write-up must be submitted in PDF format.
- The write-up must be **submitted via Google Form Link:** [https://docs.google.com/forms/d/e/1FAIpQLSfGs6h6J\\_cRWwllIczcCjDsAzT9tICJoyRugCn3fTepHocAFA/viewform?usp=share\\_link](https://docs.google.com/forms/d/e/1FAIpQLSfGs6h6J_cRWwllIczcCjDsAzT9tICJoyRugCn3fTepHocAFA/viewform?usp=share_link) on or before 12<sup>th</sup> Feb, 2023.

**6. AWARDS**

- Winner and Runner-Up of the Competition will be awarded a **CASH PRIZE** and Certificate of Merit along with a **SUMMER INTERNSHIP OPPORTUNITY** at AKV Law Firm, Chennai.
- All Participants will be given e-certificate of participation.

**MEMORIAL DRAFTING COMPETITION  
RULES**

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**1. TITLE**

These Rules may be called the “**Memorial Drafting Competition Rules, 2022.**”

**2. GENERAL RULES**

- a. The language of the Competition shall be English.
- b. The **Schedule** of the Competition may be revised from time to time. All changes will be published on the MCA Website and Instagram Page.

**3. ELIGIBILITY**

Students pursuing their bachelor’s degree in the current calendar year in a three-year course or five years course in law from any recognized law school/ college/ university are eligible to participate in the competition. THERE IS NO CAP FOR PARTICIPATION FROM ONE INSTITUTION. Students from the Host University are also allowed to register.

**Disclaimer: Judges for the Memorial Drafting Competition will NOT be SOEL Alumni or any person associated with SOEL. Esteemed Supreme Court Advocates and prestigious NLU Professors will be judging all submissions.**

**4. REGISTRATION**

Students can participate either individually or as a team of two.

Registration Fee for individuals- Rs. 200/-

Registration Fee for team of two- Rs. 350/-

**Registration Link** [https://docs.google.com/forms/d/e/1FAIpQLSe455RRYK 7-v0DGiUOYJuXGR4IByW4bhsCEpOHHZDjkrMd4w/viewform?usp=share link](https://docs.google.com/forms/d/e/1FAIpQLSe455RRYK 7-v0DGiUOYJuXGR4IByW4bhsCEpOHHZDjkrMd4w/viewform?usp=share_link) to be filled on or before 5<sup>th</sup> Feb, 2023.

**Payment Details:**

- ACCOUNT NAME: TAMIL NADU DR. AMBEDKAR LAW UNIVERSITY MOOT COURT ASSOCIATION
- ACCOUNT NUMBER: 67104604033
- IFSC NUMBER: SBIN0070688

- BANK NAME: STATE BANK OF INDIA
- BRANCH NAME: PNSB BRANCH RAJA ANNAMALAI PURAM
- BRANCH CODE: 70688

**Note:** Both Competitions (Memorial Drafting and Judgement Writing are independent competitions. Students can choose to either register for one or both.)

### **5. MEMORIAL SUBMISSION**

- a. Participants shall prepare the Memorial for both the sides.
- b. All Memorials will be submitted in PDF format with Team Code on Top right hand corner of the cover page **via a google form:**  
[https://docs.google.com/forms/d/e/1FAIpQLSdqw0QmihLwVg\\_aFgR3OEkk78HOVRRdRTeXFpMd1laAe1Pe2A/viewform?usp=share\\_link](https://docs.google.com/forms/d/e/1FAIpQLSdqw0QmihLwVg_aFgR3OEkk78HOVRRdRTeXFpMd1laAe1Pe2A/viewform?usp=share_link) on or before 11<sup>th</sup> Feb, 2023.
- c. The Plaintiff/Petitioner PDF will be named as **MD\_(teamcode)\_P** and the Defendant/Respondent PDF as **MD\_(teamcode)\_R**.
- d. Delay in submission shall invite a penalty of one mark for each day of delayed submission. No submissions shall be accepted beyond the **Deadline** specified in the Schedule.

### **6. CONTENT & FORMAT OF THE MEMORIALS:**

The Memorials shall contain the following parts:-

- i. Cover Page
- ii. Table of Contents
- iii. Index of Authorities
- iv. Statement of Jurisdiction
- v. Statement of Facts
- vi. Statement of Issues
- vii. Summary of Arguments
- viii. Arguments Advanced
- ix. Prayer

(A List of Abbreviations is optional).

The Cover Page of the Memorial must include the **Cause Title**, the **Court** adjudicating the dispute, and the **Party** for which the Memorial has been prepared. The **Participant Code** must be indicated on the top-right corner.

The format of all parts of the Memorial, except the Cover Page & Footnotes shall be the following: **Font:** Times New Roman, 12-point; **Line Spacing:** 1.5; **Margins:** Equal with at least 1 inch (2.54 cm) on all sides. The format of the Footnotes shall be the following: **Font:** Times New Roman, 10-point; **Line Spacing:** 1.0

20<sup>th</sup> Bluebook Citation method has to be uniformly followed.

The Memorial (including all parts mentioned in Rule 4.6.1) **shall not exceed 25 pages.**

**Anonymity:** Only the Participant Code shall be indicated on the Memorials. Once participants are allotted Participant Codes, their names, year of study or other personal information shall not be mentioned on the Memorials. Failure to comply with this rule entails disqualification.

#### **7. EVALUATION OF THE MEMORIAL:**

The following shall be the judging criteria: (total- 100 for each Memorial).

- |  |    |
|--|----|
| • Knowledge of law & Depth of research             | 20 |
| • Use of authority/precedents                      | 20 |
| • Incorporation of facts into the arguments        | 10 |
| • Interpretation of applicable law                 | 10 |
| • Clarity of thought and organization of arguments | 15 |
| • Style of Presentation                            | 10 |
| • Originality                                      | 10 |
| • Relief sought                                    | 5  |

#### **8. AWARDS**

- Winner and Runner-Up of the Competition will be awarded a **CASH PRIZE** and Certificate of Merit along with a **SUMMER INTERNSHIP OPPORTUNITY** at AKV Law Firm, Chennai.
- All Participants will be given e-certificate of participation.

**2. COMMUNICATIONS & QUERIES**

a. In the first instance, participants may contact [mca.soel@gmail.com](mailto:mca.soel@gmail.com) for all queries.

b. Alternatively, they may also contact-

Ms. Mansi Sethiya, President, Moot Court Association- +91 98411 12917

Mr. Senthil, Additional Secretary, Moot Court Association- +91 89404 00448

Mr. Surya, Joint Secretary, Moot Court Association- +91 93458 25458

c. Website: <https://mcasoel.wordpress.com/>

**INSTAGRAM** : @mootcourtassociation.soel



**SCHEDULE OF EVENTS**

<b>DATE</b>	<b>EVENT</b>
<b>10.12.2022</b>	<b>Opening of Registration</b>
<b>05.02.2023 (11:59 PM)</b>	<b>Closing of Registration</b>
<b>11.02.2023 (11:59 PM)</b>	<b>Deadline for Submission of Memorials</b>
<b>12.02.2023 (11:59 PM)</b>	<b>Deadline for Submission of Judgement.</b>
<b>25.02.2023</b>	<b>Declaration of Results for both competitions</b>

