

MEMORIAL PROPOSITION

Mr. Kunal, a Hindu, and Ms Muskan got married on 17th November 2011, as per Hindu customs, and they started living with Kunal's parents. Kunal's mother was an orthodox woman and strongly believed in the Hindu gods and mythology. She believed that to attain Moksha, a man needs a son, and repeatedly pressured Muskan to give birth to a boy. Muskan gave birth to a baby girl on 9th April 2013, which led to differences between the couple. Kunal's mother made insulting remarks about Muskan and her daughter, saying that if Muskan did not give them a grandson, Kunal would have to marry another girl.

Muskan became fed up with the constant bickering and decided to leave the matrimonial home with her daughter and return to her parents' house on 22nd December 2013. Kunal visited Muskan's house several times but never found her or their daughter there. On 2nd January 2016, Kunal filed for divorce under section 13 of the Hindu Marriage Act, citing desertion by his wife. The summons was issued to Muskan at the address provided, but they were returned marked as 'refused to accept.' The family court considered it as good service and proceeded with the case, granting an ex parte divorce to Kunal on 16th September 2016.

Kunal then married Miss Anjali, and she conceived his child due for delivery on 13th April 2018. Meanwhile, Muskan filed an application for condonation of delay on 3rd October 2018, to appeal against the decree of the family court granting ex parte divorce to Kunal. She argued that she was not aware of the proceedings as the summons were served on an old address. She also stated that she never intended to desert Kunal and only wanted to teach his mother a lesson. She left the matrimonial home only because she was frustrated with his mother's constant remarks. Muskan claimed that she never wanted to sever the matrimonial bond.

Now, the court needs to decide whether Muskan's appeal for condonation of delay is valid and if the ex parte divorce granted to Kunal should be set aside. The court will also need to determine the status of Kunal's marriage to Anjali and whether it is valid.

Teams are required to draft a Memorial of this case.

Teams are at liberty to form issues as per their own choice.