

Ref.No.NBTLC/ 563 / 2019-2020

10th February 2020

To

The Principal

Subject:-Invitation to participate in 14th 'Late Advocate D. T. Jaibhave Memorial National Level Moot- Trial & Judgment Writing Competition 2019-20'

Dear Sir/Madam,

It gives us immense pleasure to invite your institution on behalf of G. E. Society's N. B. Thakur Law College, Nashik and Adv. D. T. Jaibhave Prathisthan to participate in the 'Adv. D.T. Jaibhave Memorial Moot-Trial and Judgment Writing Competition' to be held on Saturday **14th and Sunday 15th March 2020** in N. B. Thakur Law College, Nashik, which is celebrating its Golden Jubilee Year.

We request you to send a team of **03 students** for participating in the above competition. The problem and the rules are enclosed herewith. We also, request you to send the confirmation letter along with the duly filled application form enclosed, so as to reach us on or before **25th February 2020**. Please ensure that the written memorials reach us on or before **13th March 2020**.

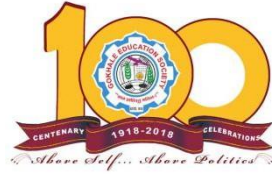
We would be highly pleased to welcome your team to the college in this Golden Jubilee year. Many eminent dignitaries from the field of Judiciary, Bar and the Legal academic will grace the occasion. For further information or clarification please e-mail or call us.

Thank you,

Yours Sincerely,

Adv. Dr. Sudhir S. Kotwal
Mob. 7588175206/9822654726
Chief co-ordinator.

Dr. Mrs. Asmita A. Vaidya
Principal & Organizing Secretary



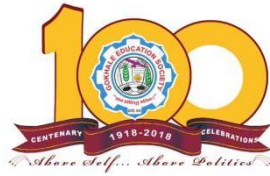
About the Organizers :

Gokhale Education Society established in 1918 and the parent body of NBT Law College is in its Centenary year. The Society runs more than 120 schools, colleges and research institutes at Nashik, Mumbai, Thane and Palghar. It is renowned in India for providing quality education par excellence under the able leadership of Sir Dr. M. S. Gosavi, Director & Secretary, Gokhale Education Society, Nashik who is a globally acclaimed educationist.

NBT Law college is one of its institutions in existence from 1969. It is the first Law college in Northern Maharashtra, it is one of the few colleges in Maharashtra having 15 full time qualified permanent faculty. It is also ISO certified and NAAC accredited, the college played a very significant role in legal education which is evident from its rich alumni. The college includes the majority of advocates practicing in Nashik Bar Association and neighboring Moffusil courts. Our alumni includes Justice Makrand Karnik Judge, Bombay High Court & approx 80 sitting Judges all over Maharashtra. Mr. Jayant Jaibhave member of BCI legal education and Mr. Avinash Bhide Chairman of Bar Council of Maharashtra & Goa are also our illustrious alumni.

The above mentioned competition is a joint effort of G. E. Society's N. B. Thakur Law College, Nashik and Adv. D. T. Jaibhave Pratishthan, Nashik founded in the memory of Late Adv. D. T. Jaibhave who was an eminent advocate practicing in the trial court of Nashik and other stalwart advocates who have established a 'high heritage of practice of law' in a trial court at Nashik.

This competition is being conducted here since 2006, to promote the importance of application of law amongst the law students and is aimed at giving a law student the experience of conducting a trial in the role of advocates and judges, with a vision to establish trial court practice which forms the foundation of the legal practice in India.



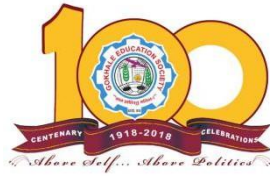
Rules and Regulations for Competition:

Eligibility & Registration:

1. Teams from Law Colleges recognized by Bar Council of India will be eligible to participate in the competition.
2. The members of each team should be enrolled for undergraduate Law course either pursuing 3 years or 5 years Law course.
3. Each team shall pay registration fees of Rs.500/- by cash on the day of the competition.
4. Each team shall comprise 3 students. One shall conduct trial on behalf of Plaintiff/Complainant/Petitioner and the other shall conduct trial on behalf of Opponent/Respondent.
5. The third member shall be the Moot Judge, who shall conduct the trial and on the basis of evidence produced before him/her, shall participate in the Judgment Writing Competition to be held on **14th March 2020**.
6. Only one team per college shall be permitted to participate with prior intimation.

The Competition shall consist of:

- a) There shall be two rounds, one preliminary and the final round.
- b) All participant teams shall prepare either problem 1 or problem 2 for preliminary round which shall be held on **Saturday 14th March 2020**, and communicate the same at the time of confirmation.
- c) Four teams from among them shall be selected for final round on Problem No.3 which shall be held on **Sunday 15th March 2020**.
- d) The judgment writing competition shall be held on Problem No. 1 or 2 which they have chosen for preliminary round, which shall be held on **Saturday 14th March 2020**.



Rules for Conducting of Trial:

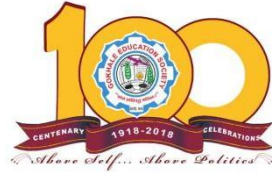
1. The dress code for the Mooters conducting the trial will be white dress with black coat and advocate's band. For the Mooter Judge it would be white dress, black coat with gown and band.
2. The witnesses for the trial for both the preliminary and final rounds will be provided by the host college, they will be well versed with the facts of the case and shall depose exactly as per the facts given in the moot problem.
3. The Mooters would record the evidence orally only i.e. they will take examination in chief and cross examination of the witnesses. They will get the documents that they rely on to be proved as exhibits following the due process of law and submission of affidavits shall not be allowed.
4. Language for the competition shall be English, Hindi or Marathi only. This shall be intimated to the host college in advance in order to prepare the witnesses.
5. A panel of two observers and a moot judge appointed by the host college will assess the competition. Their decision will be final.

Rules of Memorials:

The teams shall prepare two memorials, one for the preliminary round and one for the final round. Each team shall carry two sets of memorials of each side of each round, which shall be precondition to participate in the competition. The memorials shall be typed on **Legal** size paper with margin in **Arial** font and of size **12**. Last date for submitting memorials **online** is on or before **29th February 2020**. Hard copies of the memorials shall be submitted by the participants on **13th March 2020** by **4:00** pm. The participants who fail to do so will be disqualified.

Oral Submissions:

1. Each team shall be given 40 minutes in all. 30 Minutes to conduct the trial along with examination of two witnesses, and 10 minutes for arguing the case. The Mooters may distribute the time among them.
2. There shall be a warning bell three minutes before completion of the allotted time for each team. There will be a final bell on completion of the allotted time.
3. If any team exceeds the allotted time, except with the permission of the judge, the team shall be abruptly stopped and would be liable for negative marking.



Scoring Criteria:

| | | |
|--|---|----------|
| 1.Memorials | : | 20 Marks |
| 2.Examination of Witnesses | : | 40 Marks |
| 3.Arguments | : | 20 Marks |
| 4.Answer to Queries of Court & Court Mannerism | : | 20 Marks |

Total : 100 Marks

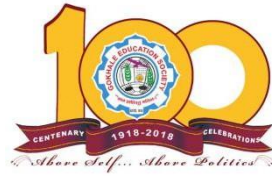
Judgment Writing Competition:

1. The host college will appoint a Judge for the competition and the entire trial will be conducted under his control.
2. The Moot Judge will sit with the judge appointed by the host college to conduct the trial; by this the moot judge will learn how to conduct the trial. However, there shall be no marks allotted for this. The marks allotted are only for judgment writing.
3. Each Mooter Judge shall be given 30 minutes for writing the judgment immediately after the trial, on the problem which the team had selected for trial. The Moot Judge is allowed to keep the evidence notes of the trial, points of arguments, case laws etc. except the copy of earlier written judgment with him while writing the judgment.
4. The Moot Judge may choose any language, either English or Marathi for writing the judgment.
5. The scheme of marking is as follows:

| | | | |
|---|--------------------------------|---|----------|
| 1 | Format | : | 05 marks |
| 2 | Points of Determination | : | 05 marks |
| 3 | Appreciation of Evidence & Law | : | 30 marks |
| 4 | Order | : | 10 marks |

Total : 50 marks

6. The decision of the judges appointed by the host college shall be final.

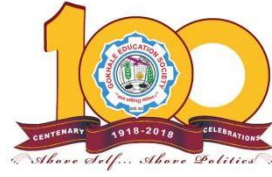


Other Rules:

1. All participants are expected to maintain full decorum of the court during the competition.
2. All teams should report at 9.00 a.m. on **Saturday 14th March 2020**.
3. Accommodation shall be provided to participants for the days of the competition.
4. No. TA- DA shall be provided to the participants.
5. Lunch and tea shall be provided to participants for the days of competition.
6. The host college reserves the right to make necessary changes in the rules prescribed hereinabove.

Tips for success in the competition:

1. The easiest way to ensure success in the competition is to take guidance from a practicing trial court advocate.
2. Attending the trial court and observing the proceeding could also help a great deal especially to understand how to conduct the chief and cross examination of witnesses and also to get the documents exhibited.
3. Knowledge of C.P.C., Cr.P.C. and The Evidence Act is a must or a prerequisite for conducting trial. Knowledge of other enactments like (Civil Manual, Criminal Manual) The Suits Valuation Act, Court Fees Act etc. are also essential for drafting of Plaint, W.S., Complaint etc.
4. Unlike a Moot Court the arguments in the Moot Trial are restricted to bringing before the court the evidence proved by witnesses and documents and only briefly stating laws and case laws.
5. The Judgment to be written in the Judgment Writing Competition should be an exact replica of how it would be written by a Trial Court Judge. The format could be taken from standard Judgment Writing books but reading of real judgments from the trial court will be more helpful.
6. The marking for the judgment is given above and focus shall be to see how well the moot judge has appreciated the evidence before him to reach a rational conclusion.
7. The marking for advocate is also given and the focus for this would be skill in conducting



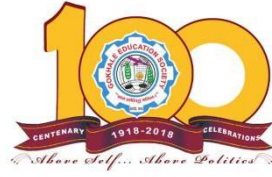
the chief and the cross examinations of the witnesses and getting documents exhibited by them.

8. There is also special prize for excellence in drafting of Plea, W.S., and Complaint etc .for which the drafts can be taken from good Drafting and Pleading books or help of practicing advocates. It must necessarily be in conformity with the permission of C.P.C it must be noted that they are not written arguments as given in the moot court. Written arguments are not expected here.

Prizes:

1. Best Team : Rs.8500/- Cash with Trophy + Books worth Rs.4,000/-
2. Runner up Team: Rs.7,000/- Cash + Books worth Rs.2,000/-
3. Best Judge : Rs.6,000/- Cash + Books worth Rs.2,000/-
4. Best Advocate : Rs.4,000/- Cash + Books worth Rs.1,000/-
5. Best Lady Advocate : Rs.4,000 /- Cash + Books worth Rs.1,000/-
6. Dr. MSG Foundation Best Memorial Prize : Rs.4,000/- Cash + Books worth Rs.1,000/-.
7. Best Witness Award : Rs. 4,000/- Cash + Books worth Rs. 1,000/-
8. Best Examination of Witness Award : Rs. 4,000/- Cash + Books worth Rs. 1,000/-
9. Best arguments Award : Rs. 4,00/- Cash + Books worth Rs. 1,000/-
10. Best arguments Vernacular Award : Rs. 4000/- Cash + Books worth Rs. 1,000/-
11. Best Cross Examination Award : Rs 4,000/- Cash + Books worth Rs. 1000/-

Note:- Individual prizes shall be announced on the date of competition. Certificates of participation shall be given to all the participants.



Programme Schedule :

| | | |
|---|--|---------------------------------|
| 1 | Date of Confirmation | 25 th February 2020. |
| 2 | Date of online submission of Memorial | 29 th February 2020. |
| 3 | Date of submission of hard copies of Memorials | 13 th March 2020. |
| 4 | Date for Preliminary Round | 14 th March 2020. |
| 5 | Date for final round | 15 th March 2020. |
| 6 | Date of Judgment Writing Competition | 14 th March 2020. |

Address for Correspondence:

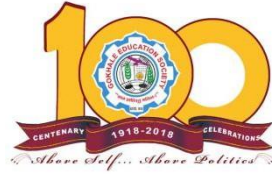
For further information please contact on telephone.

Mailing Address:

The Principal,
N. B. Thakur Law College,
Prin.T.AKulkarni
Vidyanagar,
College Road, Nashik-5

Telephone: (0253)-2574180 (O)
(0253)-2317869 (Fax)
e-mail : nbtlawmoot14@gmail.com

Note : Registration forms should be sent online as well as by post. For online submission of both registration forms and memorials please e-mail us at the above mentioned e-mail Id.



Co-ordinators:

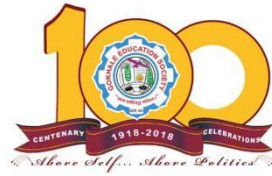
| Sr. No. | Student Co-ordinators | Teacher Co-ordinators |
|---------|---|--|
| 1 | Abhijeet Jangam (8329830244) (8983300777) | Mrs. Hema Burung (Moot problem) Mob: 9657720991 |
| 2 | Hrushikesh Korhale (8329824030) | Mrs. Jyotsna Dighe (Registration & Others) Mob: 9970647768 |
| 3 | Tejashree Dhemse (7350998720) | Adv. Mahesh Lohite (co-ordinator) |

For any further details contact on:

E-mail: nbtlawmoot14@gmail.com

Website: www.nbtlawcollege.com

Dr. Mrs. AsmitaA. Vaidya
Principal
N. B. Thakur Law College,
Nashik-05



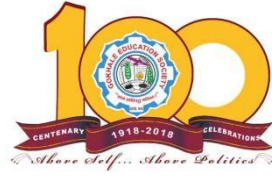
MOOT PROBLEMS

Moot Problem no. 1 :

ABC INDIA LTD. is a company manufacturer of NIKE Baby Wipes in the said company. Mr. PQR was a director after some dispute with the company; Mr. PQR resigned and went out. After two years, ABC India Ltd. found that their yearly sales have dropped by 30%. On inquiry, they found that PQR India Ltd. has entered into same field of manufacturing of baby wipes with a name 'NIKI Baby Wipes. On comparing the products of PQR India Ltd with ABC India Ltd, it was found that the outer boxes of both carried the following images :



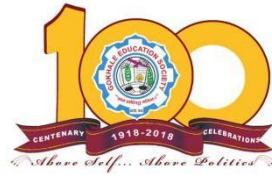
ABC found the product of PQR to be deceptively similar and therefore requested PQR to stop the production by name 'NIKI Baby wipes,' and also to change the outer cover of the product. ABC sent a notice to PQR through their advocate. PQR sent a reply to the said notice and flatly refused to change the name and cover, stating that the name NIKI is the name of the daughter of the chairman. Mr. PQR and the cover photo is of Ms. Niki. The product of ABC India Ltd. carrying the photo of Mr. Nike, who is son of chairman Mr. ABC. Because of the deceptively similar product ABC put to losses as there is passing off. The product of ABC has a registered trademark since 1990 without any exceptions. Draft a plaint on behalf of ABC INDIA LTD. against PQR for damages and written statement on behalf of PQR ltd with possible defenses available.



Moot Problem No. : 2

1. 'A' is a girl aged 20, B is a boy aged 24. On 12/02/2019 'A' lodged complaint in 'Y' Police Station against 'B'.
2. She alleges that she is known to the accused 'B'. They were studying in the same college and were into a relationship. She broke up with him and therefore he started harassing her.
3. The accused 'B' created a website in the name of xyz.com and sent some obscene photographs of the informant by using a false e-mail id of her which was created in the name of pwd@rediffmail.com. He posted obscene photos using this email id on the above mentioned website.
4. The accused 'B' created a false profile on the social media platform i.e. 'facebook' by using the name 'fgk'. He placed the photograph of the informant on the profile id 'fgk'.
5. He later contacted friends and family members of the informant using the 'facebook' profile 'fgk'. After the friend requests were accepted, he sent the link of the false website cde.com which contained the obscene photographs of the informant.
6. The complainant alleges that the accused 'B' has committed the offence under IPC and IT Act 2000. And the offence came to be registered.
 - Draft a FIR to police on behalf of 'A'.
 - Draft reply on behalf of 'B' (optional).
 - Create evidences to support your respective case.

P.T.O



Moot Problem No.: 3 (For final round only)

'A' is the owner of suit premise. 'B' is the tenant in the suit premise staying from 1997. A issued legal notice to claim vacant possession of property. B replied to the notice claiming to hold property in adverse possession.

1. Draft plaint on behalf of 'A' for recovery of possession from B.
2. Draft W.S and counterclaim on behalf of 'B' claim adverse possession

Note:

1. The teams shall give the names to the witnesses and develop their own stories with these brief facts.
2. Only two witnesses are allowed. The participating teams shall choose the characters to be played by these two witnesses and train the witnesses provided by the host college.
3. For problem no. 1 the participants may change the name of the companies and the product, but the theme line of the story shouldn't be changed.
4. Problem number 3 is exclusively for the Final Round.

College Code -

*To be filled by

organizers.

**14th Late Advocate D.T. Jaibhave Memorial National Level
Moot Trial And Judgment Writing Competition, March 2020.**

FORM OF REGISTRATION

Name & Address of Institute/College:

Phone : _____ Fax : _____

E-mail : _____

Name of Mooter-I : _____

Class : _____

Contact No.&Email-Id: _____

Name of Mooter-II : _____

Class : _____

Contact No.& E-mail Id : _____

Name of Mooter Judge : _____

Class: _____

Contact No. & E-mail Id : _____

PROBLEM SELECTED : Problem No.1 () Problem No. 2 ()

Language of Conducting Trial : ENGLISH/MARATHI /HINDI

Details of Registration Fee : _____

Date : _____

Place : _____

College Seal

Signature of the Principal