
SIMULATION EXERCISES

Structure of Module:

1. Classroom Exercises
 2. Report Writing
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OVERVIEW:

This module involves practical training to the students with the help of the simulation exercises. The module will acquaint the students with the conduct of the civil proceedings before the family courts on issues like dissolution of marriage, adoption, child custody, maintenance, etc. further it will enable the students to write a report based upon the holistic findings and reasoning.

Simulation Exercise Problem No. 1

Mr. Raghava Rao was a retired civil servant, during his extremely illustrious career he acquired few immovable properties through his hard earned income. The said immovable properties include their dwelling house situated at Road No. 1 Jubilee Hills (worth Rs. 2 Crores), Hyderabad; their farmhouse at Ananthagiri Hills (worth Rs. 75 Lakhs) in Vikarabad District; their old house at Basheer Bagh (worth Rs. 1 Crore), Hyderabad. The said Mr. Raghava Rao during his life time wanted to execute a will in favour of his legal heirs but unfortunately he died of sudden cardiac arrest in the year 2018.

Mr. Raghava Rao is survived by his wife (Smt. Rajamani), three children i.e., two sons Mr. Surya Prakash (Businessmen) and Mr. Chandra Prakash (Doctor) and one daughter Mrs. Jyothika, who was married to one Mr. Ramesh Kumar and are currently residing at Vijayawada. As the matter stood thus, Mr. Surya Prakash suffered certain losses in the business and was unable to fulfil his debts to the creditors. The banks also refused to advance any loans to Mr. Surya Prakash as he did not have any collateral security in the form of immovable property.

On one fine day he proposed before his mother and brother for partitioning of the immovable properties acquired by his father during his lifetime as a part of which he proposed division of the immovable properties between himself, his mother and brother and totally excluding his sister. He excluded his sister on the pretext of having spent Rs. 50 Lakhs at the time of her wedding in the year 2010. Mr. Surya Prakash proposed allocation of shares as follows:

1. Dwelling House at Road No. 1 Jubilee Hills (worth Rs. 2 Crores), Hyderabad – For himself.
2. The farmhouse at Ananthagiri Hills (worth Rs. 75 Lakhs) in Vikarabad District – For his brother Mr. Chandra Prakash.
3. The old house at Basheer Bagh (worth Rs. 1 Crore), Hyderabad – For his mother.

After acquiring the knowledge about the said proposal, Mrs. Jyothika has asked her mother and brothers regarding her share in the immovable property of her father. After the intervention of her daughter, Mrs. Rajamani (mother); Mr. Chandra Prakash (Younger Brother) has agreed to divide all the above immovable properties into equal shares amongst all the surviving family members of Late Mr. Raghava Rao.

However, Mr. Surya Prakash (elder brother and elder son) has blatantly refused to give any share to his sister and contends that it was him, who helped financially from his own pocket to conduct the marriage of Mrs. Jyothika. After refusal by her brother Mrs. Jyothika has filed a suit for partition of the immovable properties by metes and bounds before the Chief Judge, City Civil Court, Hyderabad against her mother and brothers.

The said case was referred to the Mediation Center attached to the court.

Simulation Exercise Problem No. 2

One Mr. Prabhakar after abandoning his formal education, he pursued his career in music treating it as a concept of 'bhakti' or devotion. His father is a violinist in carnatic music and has been accompanying various vocalists in number of concerts all over the state. Prabhakar's interest in violin playing had driven him to the music and had made an impact on his future goal. He continued his 'sadhana' as a daily routine under the guidance of his father as it was necessary to understand the nuances and the subtleties of music which could only be gathered by experience and acquisition of knowledge at the feet of a "guru" and also to keep alive "the Guru- Sishya Parampara". He was living in Chennai and had started giving concerts all over the country and he has become renowned violin player and brought accolades to him as well his family members.

Prabhakar at the age of 26 became renowned personality in the South India and has been giving solo violin performances. Prabhakar married Thulasi on 19.11.2010 at Tirupathi according to Hindu rites and customs. After entering into wedlock, they lived together at Vadapalani, Chennai. Tulasi was the daughter of an officer in the Vigilance Department in the Government of Andhra Pradesh. As tradition would warrant, Thulasi went to her parental home for delivery where a male child was born on 30th of May, 2011. The respondent celebrated the child's birth in his in-law's house and thereafter, the wife stayed with her parents for some time. She returned to Chennai and there she lived with her husband till 03.01.2012.

Thulasi filed a matriomonal petition in the court wherein she contended that on 03.01.2012, her father-in-law, without her consent, took her to her parental home and, thereafter, the husband without any justifiable reason withdrew from her society. All efforts made by her as well as by her parents to discuss with her husband and his family members to find out a solution went in vain. In this backdrop, a prayer was made for restitution of conjugal rights.

Interestingly, Prabhakar filed a petition in the court praying for decree of divorce and custody of the child. He contended that there was total incompatibility in the marital relationship inasmuch as she found fault with his life style, his daily routine, his likes and dislikes and picked up quarrels on trivial issues. She threw tantrums only with the exclusive purpose that she should dominate the relationship and have her own way. At the time of practising and learning music in the presence of his father, who was also his "Guru", she hurled abuses and screamed which invariably followed with arguments and quarrels. Though she was expected, as per the customs, to show respect towards elders and to the senior artists, yet, throwing all traditional values to the wind, she would walk away by creating a scene to his utter embarrassment. His public image was totally ruined and reputation was mutilated. It was also alleged that she called her parents and threatened to initiate proceedings under the Indian Penal Code, 1860 with the help of her father. With the efflux of time, the discord aggravated and the wife became more aggressive and did not allow her husband to go near her or the child.

On 03.01.2012, when the wife expressed her desire to go to her parental home, he could not dare to object and giving importance to the physical safety of the wife and the child, he requested his father to escort them to Hyderabad. While she was at Hyderabad, she spread rumours among the relatives and friends pertaining to his fidelity, character and habits. It was further asserted by the husband that she had filed the petition only to harass him and, in fact,

the manner in which he had been treated clearly exhibited mental cruelty and, therefore, the said relief should not be granted. It was averred that in view of the treatment meted out to the husband, dissolution of marriage was the only solution and not restitution of conjugal rights.

Thulasi in her written statement asserted that she was aware of the importance of music, its traditional values and clearly understood the devotion and dedication as she herself was a 'Veena' player and because of her sacrifice, her husband had gained reputation and popularity which also enhanced his financial status, but, with the rise, he failed to perform his duties as a husband. She denied the interruption in the practice sessions and controverted the factum of maltreatment. It was averred that as the husband had gained reputation, his parents and other relatives thought of a second marriage so that he could get enormous dowry. She denied the scandalous allegations and stated that she was proud of her husband's accomplishments. She justified her filing of petition before the Chief Metropolitan Magistrate for grant of maintenance as he was absolutely careless and negligent to look after her and the child. It was further pleaded that the grounds mentioned in the petition were vexatious and frivolous and, therefore, there was no justification for grant of a decree of divorce.

The matter has been referred to the conciliation Centre for conciliation ,

Simulation Exercise Problem No. 3

Ms. Roma is a student of architecture studying in a reputed national institute. She was a very successful student and was most sought after intern to the internship providers and placement agencies. During her final year of college, she had the opportunity to do her internship with the world wide reputed ABC Company. As a part of internship she had to join the company at Bangalore and she stayed at Bangalore for a period of four months.

During her internship she came into contact with one Mr. Harish, a software developer, who was working in the same company. Mr. Harish had the opportunity to interact with Ms. Roma frequently and they gradually became good friends. Later on Ms. Roma returned to Hyderabad, completed her graduation in architecture and got a job with the top architecture firm with handsome salary package. Meanwhile, her friendship with Mr. Harish had blossomed into love and they tried to convince their parents about their relationship.

Before the marriage, the parents of Mr. Harish had visited the residence of Ms. Roma and had solemnized the alliance between both the families. However, there was one problem i.e., since the paternal house of Mr. Harish was at Bangalore it was requested that Ms. Roma relocate herself to Bangalore after her marriage to which she agreed. In accordance with the Hindu customs and rights both the parties got married at Hyderabad on 14.02.2018.

As part of the agreement, Ms. Roma prepared herself to relocate to Bangalore. When Ms. Roma went to Bangalore she stayed at her in laws house and immediately she found herself a job at an MNC. With the passage of time she found out that her in laws house is a rented accommodation and that they have their own house in rural Karnataka. Further she found out that after solemnization of alliance with her family her husband was laid over by the company and that, in fact, he is currently unemployed. But the said facts were never revealed to Ms. Roma. Her husband and her in laws are extremely cordial with her and in fact they never bothered her nor interfered with her nature of job or any matter.

On the eve of New Year 2019. Ms. Roma went to the party with her friends. In the said party she took her unemployed husband with herself and during interaction with her friends, who were also accompanied by their husbands. It was revealed that Mr. Harish is the only one who is currently unemployed. Ms. Roma felt embarrassed by the fact that her husband is unemployed left the party early with her husband. After a week, she tried to contact her employer and sought an employment opening for her husband. This fact later came to the knowledge of Mr. Harish, who was a very sensitive and prideful person. He confronted his wife and told her that he does not require any person's recommendation to find a job. This small confrontation led to frequent quarrels between them. The parents of Mr. Harish often tried to intervene and pacify the couple but of no avail.

Ms. Roma returned to her maternal house on March 2019 and after staying there for one week when she came to know that she has conceived and that she is two months pregnant. She is now fed up with the attitude of her husband and in laws and she wanted to move in her career and life. Meanwhile she filed a petition for divorce on the ground of cruelty by her husband and in laws at Family Court Hyderabad. Further, it also came to the light that she is going to terminate her pregnancy at the earliest possible convenience to avoid any further health complication.

The matter is referred to conciliation and mediation center.

Simulation Exercise Problem No. 4

The marriage between the appellant-husband, Dinakar and the respondent-wife, Ramani, was solemnized on 09.05.2009 at the Holiday Inn Hotel in Hyderabad, as per Hindu rights and customs. This was not the first matrimonial alliance between the two families. The husband's elder brother was already married to the wife's sister. Both parties admittedly belong to middle class families. At the time of marriage between the parties, Dinesh, the husband was 22 years of age, and Ramani was 19. Now the husband is 35, and the wife 32. The marriage between the parties was duly consummated, and their relationship blossomed into one full of love and affection.

The cordiality between the parties continued for a period of two years, till the wife conceived for the first time in February 2011. The aforesaid conception was aborted when Radhika Gupta was in the fourth month of her pregnancy, as she had commenced to suffer from hypertension resulting into fits, extreme morning sickness and general weakness. The decision to abort the pregnancy in June, 2011, was based on medical advice.

After her first conception was aborted in June, 2011, the attending gynecologist at Apollo Hospital, had cautioned the couple against any further conception for at least two years. The couple had been advised, that pregnancy of Ramani during this period could lead to serious medical complications. Despite having been forewarned by the gynecologist, Ramani alleges, that her husband had proceeded with unsafe cohabitation, resulting in a second pregnancy within a short period of eight months (after the termination of the first pregnancy), i.e., well within the unsafe period.

The wife Ramani conceived for the second time in February 2012. During the instant pregnancy, she had similar symptoms, as she had suffered on the earlier occasion. For the aforesaid reason, and on medical advice, when the pregnancy was in its eighth month, a caesarian operation was performed in September, 2012. At the time of birth of the child, the wife, Ramani, was unconscious. Even after the child was delivered, she remained unconscious. The child born to Ramani survived for only five days.

Since Ramani had developed serious medical complications, she was treated at the best hospitals at Hyderabad, amongst others at the Apollo Hospital, as an indoor patient. Well Known Doctors from across the country were consulted. They had attended upon her, at the behest of her husband Dinakar. To ensure that there was no deficiency in her medical upkeep,

she was shifted to the Leelavathi Hospital at Mumbai. At Mumbai, further tests were conducted and surgeries were performed. She also sought consultations from the National Institute of Medical Health and Neuroscience, Bangalore (NIMHANS).

During the treatment of Ramani , neurologists and gynecologists looking after her believed, that she had suffered brain damage. On that account, she is stated to have lost her memory, so much so, that she could not even recognize persons of close affinity. Her speech was also stated to have been substantially impaired. It was averred, that the condition of the wife was such, that she could not even discharge her personal obligations. She had to be assisted by an attendant. According to the contention of Dinakar, the condition of Ramani was no better than a child of five years. He also alleged, that Ramani's condition was such, that she could not be left alone in the room, nor could she be permitted to use the bathroom by herself. Gynecologists, who examined Ramani had opined, that she was not fit for discharging her matrimonial obligations. They also felt, that she could not bear a child. Neurologists believed, that it was impossible for the husband to live with Ramani .

Dinakar filed a matrimonial petition in the Court in for a decree of divorce on the ground of insanity of his wife, Ramani and her cruelty towards him. The husband contends, that his wife did not allow him to touch her physically, even to please her. It is the husband's assertion, that at times Ramani would wake up in the middle of the night, and thereafter, would not allow him to sleep. Dinakar even accused his wife, for shouting and screaming without any reason. The petition was contested by the wife that it is only that Dinakar has caused her ill health by not following the advice of the doctors against the early pregnancy. According to Ramani, the fall out of the second pregnancy, specially the effect thereof to her health, was the real cause of the turnaround of the matrimonial relationship, between the parties. For that, Ramani blames her husband.

The petition has been referred to the mediation centre for mediation.

Simulation Exercise Problem No. 5

Mr. Radhakrishna got married to one Mrs. Rajyalakshmi in the year 1973 and they were blessed with three children i.e., two sons – Mr. Anil and Mr. Sunil and a daughter – Sunitha. The eldest son Mr. Anil is a naval officer and is currently serving the Indian Navy in officer cadre as is posted to high seas for major part of the year, Mr. Sunil is an established sports bike racer

and had won many championship titles. Ms. Sunitha is a typist and is currently attached to the government office. All of them were leading a very peaceful and happy life at Hyderabad.

But the fate has different things for this family. Mr. Sunil, who was an established sports bike racer had met with the fatal accident in a racing championship and after two days of struggle in the ICU he succumbed to injuries. After losing the son, who was in the prime of his youth Mrs. Rajyalakshmi has become very weak both physically and psychologically. On the other hand, Ms. Sunitha provided has provided emotional support for her parents but financially she is also weak and she is getting only paltry sum as salary which is highly insufficient.

As the matter stood thus Mr. Radhakrishna has retired from service and is not getting any pension as he hailed from a private sector. Mr. Radhakrishna is himself a diabetic patient and is in constant need of medical treatment on weekly basis. Mr. Radhakrishna sought financial help of his sole surviving son Mr. Anil, who blatantly refused to provide any financial aid to his parents citing his own financial difficulties. Mr. Radhakrishna, has strived very hard for his elder son and in fact, he spent huge sum of money for coaching of his son to write the entrance exam for the defence services, etc. Now when it is the time of the son to help his father, he is out rightly denies any help.

Aggrieved by the attitude of the son, Mr. Radhakrishna has filed a Maintenance Case before the Family Court Hyderabad seeking monthly maintenance from his son. During the course of the litigation both the parties have come together and wanted to resolve the matter out of the court before the elders of the family.

Imagine yourself (FDR Trainee) as the elder of the family and prepare a conciliation report between both the parties so that it can be filed before the court.

Simulation Exercise Problem No. 6

One Mr. John, who currently serving the government as the Executive Engineer in the irrigation department is married to one Ms. Esther Shanti in the year 2009. After their marriage they were living together in the various places since Mr. John's job was of transferrable nature. Even after five years of marriage Ms. Esther was not able to conceive a child.

After this they sought medical intervention from the reputed infertility clinic. During the course of medical treatment and tests it was revealed that Ms. Esther was suffering from some

congenital medical issue due to which she is sterile and cannot bear a child. They sought expensive medical IVF (In-Vitro Fertilization) in order to conceive a child. The said treatment lasted for nearly two years and in the year 2016, Ms. Esther conceived and became pregnant.

Meanwhile, Mr. John who desperately wanted to father a child became highly disinterested in his wife after she has conceived. It happened so that the relatives of Mr. John were eyeing his property and they wanted Mr. John to write off his property in their name but in case a child is born to him there is an every chance that the child would become the successor to all the properties of Mr. John. The relative were successful in systematically brain washing Mr. John and instigated him to ask his wife for aborting the pregnancy.

Ms. Esther was shocked to hear the inhuman proposal of her husband as she is in the advance stages of pregnancy i.e., 6th Month. She pleaded her husband to drop the idea since both of them had struggled a lot for conceiving the child but of no avail. Her prayers went to deaf ears of her husband and she left her matrimonial house and started living at her maternal house for the rest of her pregnancy.

Even after a daughter was born to her, Mr. John never bothered to visit her and after two weeks of the delivery she received a court notice stating that Mr. John has filed a petition for divorce on the ground of cruelty. The matter has been referred to the Family Mediation and Conciliation Center. Write a report.

Simulation Exercise Problem No. 7

Mr. Dhani Ram was a hard working individual who has started his career from the lower most level in the society. He initially started working as a railway porter at Hyderabad Railway Station and with the help of his friends and well wishers he crossed all the obstacles of his life and slowly started small business venture under the name of L.D.R. Printing Press in Hyderabad in the year 1985.

With the passage of time the L.D.R. Printing Press became a multi branch printing industry with substantial presence in both domestic and international markets. Mr. Dhani Ram started diversification of business in the year 2005 and currently, he owns industries such as L.D.R. Reality Builders (real estate firm); L.D.R. Food Processing Industries; L.D.R. Equities; L.D.R. Hotels Pvt. Ltd.

Mr. Dhani Ram at the age of 85 has passed away due to his old age. He was survived by his wife and his two sons Mr. Surajmal and Mr. Chandmal. Both the brothers succeeded jointly to the industries and firms which had been set up by their father after his demise.

Now, the elder son Mr. Surajmal wants to maintain the business as established by his late father without any expansion overseas. He wants to consolidate the existing business and wants to run the same without any losses. Meanwhile Mr. Chandmal, the younger son is a youthful energetic entrepreneur who wants his father's business to thrive both domestically and internationally. He wants the business to further diversify and to invest in acquisition of many companies, etc.

Both the brothers have different views with regard to the future plans of the industry due to which the management is getting affected consequently, the industries have started incurring losses. To prevent any further loss to the business established by their deceased father the younger brother Mr. Chandmal proposed to the elder brother regarding the division of industries amongst themselves in order to facilitate the smooth execution of their future plans in respect of LDR Industries. Mr. Surajmal has, in principle agreed to the same but there are certain contentious firms such as the real estate firm and the hotels firm where both of them are contesting for the ownership of the same.

As the matter stood thus, both the brothers had appointed a retired judge as an arbitrator with regard to the division of the real estate firm and hotels firm. Pass the award as an arbitrator.

Simulation Exercise Problem No. 8

One Ms. Ramya is a first year student of MBBS and is a good and a meritorious. As per the orthodox traditions of family of Ms. Ramya, she was married to Mr. Ramesh at a very tender age of 18 years. As per custom she left her maternal home and went to live with her in-laws at Bangalore discontinuing her MBBS Course at Hyderabad.

Ms. Ramya is a very intelligent student and wanted to continue and complete her MBBS education. However, she was not made to do so owing to the orthodox mentality of her in laws and her husband. On many occasions the in-laws of Ramya had chided her, ridiculed her and even scolded her whenever she insisted on continuing with her education.

One fine day, Ms. Ramya had mustered the courage and had asked her husband Mr. Ramesh in front of her in-laws to permit her to carry on with her MBBS course. The husband and in-laws infuriated with the continuous insisting of Ms. Ramya has threatened that she will be driven out of the house if she continues with her demand of pursuing MBBS education.

But Ms. Ramya remained adamant and tried to contact the various colleges in Bangalore to secure admission into MBBS course, secretly without the permission of her husband and in-laws. One day she received the letter of acceptance of her admission through post. The in-laws who received the post got very angry with Ramya and had called driven her out of the house and left her to fate.

Ramya returned to her parents at Hyderabad and explained about her interest in pursuing education and also about the attitude of her in-laws. Mr. Rajesh, the father of Ms. Ramya went to Bangalore along with the elders and mutual well wishers of the family to reconcile both the families. As a conciliator and well wisher of the family write a conciliation report.

Simulation Exercise Problem No. 9

Mr. Alok got married to Ms. Nina as per the wishes of his parents on 01.02.2018 at Hyderabad. Both of them have settled in Chennai and are working as software professionals in an internationally reputed company. Both of them are employed at a managerial level and they have extreme stress at the work. Mr. Alok is currently working in the night shift and Ms. Nina is currently working in the morning shift. Both of them rarely have the time to see each other except on the weekends i.e. Saturday and Sunday.

Due to extreme stress at workplace, both Alok and Nina are socially withdrawn and always remain in an agitated and repulsive mood. They rarely ask each other about their well being. This continued for three months. Both the parties feel neglected and lonely despite staying under one roof.

One day Mr. Alok asked about the well being of Ms. Nina to which she reacted in a very rash manner, this incident had ignited the violent outburst between couples. Both of them started behaving in a violent manner and were hurling abuses at each other. Mr. Alok had taken a step further and had filed a petition for judicial separation from Nina. After hearing both the sides the court had granted the decree for judicial separation.

After the grant of decree, Ms. Nina resigned her job at Chennai and came back to Hyderabad to live with her parents. After a period of two months Nina started realizing her mistake of neglecting her family life and has started missing her husband.

Meanwhile at Chennai Mr. Alok felt that he had committed a mistake in haste by approaching the court of law seeking separation and that he is missing his wife Nina. He started to realize his mistake of neglecting her and of not paying enough concentration to their marital life. Thereafter Mr. Alok tried to contact Ms. Nina over the phone and apologized to her. Nina, though she acknowledged the apology of Mr. Alok but was not eloquent about her feelings.

Seeing the condition of their children parents of both the Nina and Alok had referred the matter to a counsellor and wanted the counsellor to reconcile the couple and save their marriage. As a counsellor write a report of observations after interviewing both the parties and suggest a remedy to protect and preserve their marriage.

Simulation Exercise Problem No. 10

Mr. Ravindranath is a progressive young entrepreneur aged 30 years and in the field of the industries he had carved himself a special status and respect among his fellow entrepreneurs. As a part of Corporate Social Responsibility initiatives the company of Mr. Ravindranath has started sponsoring an orphanage more particularly "The Children's Home Orphanage".

One day Mr. Ravindranath was visiting the orphanage and there he came across one orphan baby named Niveditha who was only of 3 years of age. When he interacted with the child, he got emotionally attached to the child and had decided to adopt her despite the fact that he was still unmarried. Mr. Ravindranath had legally adopted Niveditha and started raising her as his own daughter. Meanwhile, the concerned parents of Mr. Ravindranath had started looking for matrimonial alliances for his son.

Many of the prospective brides were willing to enter into alliance with Ravindranath but as soon as they came to know about the existence of adopted daughter Niveditha, they went back on their proposals. It became very difficult for the parents of Ravindranath to find a suitable bride for him.

Finally, they got a proposal from a lady named Anitha who was really impressed by the ideals of Mr. Ravindranath and had no problem with Niveditha. Both Ravindranath and Anitha got married as per Hindu Rites and customs and are living peacefully and happily.

After the marriage Anitha had developed special liking for Niveditha and had started to raise her as her own child. Meanwhile Niveditha also developed extreme liking for Anitha.

With the passage of time there were certain differences which cropped up between Ravindranath and Anitha. Ravindranath insisted on simple living and high thinking and was trying to live an idealistic life based on philosophy of the thinkers. Whereas Ms. Anitha always insisted Ravindranath to be pragmatic and practical and wanted to live a luxurious life as they can easily afford the same.

Due to the incompatibility between the couple both started quarrelling with each other at the drop of the hat. Things went out of the hand and both of them filed a case for obtaining decree of divorce with mutual consent. During the pendency of legal proceedings it came to the knowledge of Mr. Ravindranath that his wife Anitha is pregnant and meanwhile Ms. Anitha has also filed a petition for the custody of Niveditha. The matter has been forwarded to the District Mediation and Conciliation Center. Conciliate.

Note: The above problems are only illustrative and not exhaustive. The students will be given more simulation exercises in the duration of the course work.

Disclaimer: All characters and events depicted in the above simulation exercises are entirely fictitious. Any similarity to actual events or persons, living or dead, is purely coincidental.
