

## **MVCC 2020 PROBLEM**

The Hindu law emanates from Vedas and past shrutis/smritis. Various dharma Shastras regard custom as the basis of Hindu law as administered from time to time. Law has advanced and made progress as per the requirements of the society and the prevailing ethos. The justice used to be administered by the emperors resolving the conflicts. The building of law has taken place over time.

Besides the various sources, custom, equity, justice, and conscience have also played a pivotal role in the development of Hindu law, which prevailed. When the law was silent on certain aspects, Judicial decisions also acted as a source of law. Hindu law was not static but always progressive. Slowly necessity was felt for the codification of Hindu law. In particular, women's rights were taken care of, and attempts were made to remove the anomalies and unscrupulous practices. Necessity was also felt after the independence, given the constitutional imperatives to bring about equality of status, the codified law has been amended from time to time. The latest attempt has been made by way of amending the Hindu Succession Act concerning rights of daughter to be a coparcener in Mitakshara Coparcenary and has been given the rights equal to that of a son.

Seema Sharma was born in 1970 and is the eldest of her two brothers Sunil and Vikas. Seema Sharma is married and is living with her husband and one son aged 16 years at Dayalpur.

Their mother Sumitra died in the year 1998 and their father Roshan Lal Sharma also expired on 22/06/2000. There was no WILL by Roshan Lal Sharma for properties which include two houses, house no.324 measuring 2 kanal and house no.344 measuring 1.5 kanal and one commercial property shop no.12 measuring 200 sq. yards in New Market. All properties are situated at Chandmajri. The commercial property owned by Roshan Lal Sharma was his self acquired property whereas two houses were Coparcenary property.

Roshan Lal Sharma sold house no.344 to Ram Partap on 20/05/1998, which was challenged by Seema Sharma by filing a civil suit on the ground that Roshan Lal Sharma cannot sell the same being Coparcenary property. The suit was dismissed on 20/04/2004, on the ground that the daughter has no right to challenge the sale of Coparcenary property. No further appeal was filed against the order of dismissal of suit.

Seema Sharma repeatedly claimed her right in all of the above properties from her brothers in view of Section 6 of the Hindu Succession Act, 1956 as amended by Hindu Succession (Amendment) Act, 2005 but the same has been denied by her brothers.

Seema Sharma decides to seek legal remedies by approaching the appropriate court claiming the partition and possession of all the properties.

With all things as per actual, draft a petition as on 09/09/2020 to seek remedy from the appropriate court. Notifications and case laws concerning India can be used to substantiate claims.

# PLEADING SAMPLE

BEFORE THE COURT OF \_\_\_\_\_

CASE TYPE/CASE NO. \_\_\_\_\_ OF

FILING NO. \_\_\_\_\_

DATE OF FILING \_\_\_\_\_

(TO BE FILLED BY THE OFFICE)

PLAINTIFF

VERSUS

DEFENDANTS

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PLACE

DATE

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PLAINTIFF

VERSUS

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DEFENDANTS

**SUIT FOR -----**

**DESCRIPTION OF PROPERTY-----**

**MOST RESPECTFULLY SHOWETH:**

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PRAYER

a) .....; b)

PLACE

..... PLAINTIFF / PETITIONER

DATE

THROUGH: Team Code

**VERIFICATION**

Verified that-----

PLACE

..... PLAINTIFF / PETITIONER

DATE