

Moot Proposition

1. Deogarh is a state in Indos. Indos is a country having a constitution as well as a legal system identical to that of India. The geography and demography of Indos is also similar to that of India. Indos is a member of the United Nations and has the same ratification status as that of India.
2. Ahmed and Ramla are citizens of Indos having domicile in the Erramanzil district of Deogarh. Both of them practice and follows Islam. Both of them got married in accordance with Mohammedan law on 15.06.2005. Ahmed and his wife Ramla live in a joint family along with Ahmed's parents, two sisters and four brothers. The couple were blessed with two daughters Zia born in the year 2007 and Mehar born in the year 2010.
3. Ahmed runs a dry fruit outlet at Erramanzil. His profound interest in expanding his dry fruits business made him meet one Ms. Zara, a Mohammedan who is the daughter of a wealthy merchant in UAE. Soon, Ahmed gained the confidence of Zara's father Mr. Zain Abdullah and joined his business. Over the period of time, Ahmed and Zara fell in love and got married in accordance with Mohammedan law on 10.02.2016.
4. Zara was a widow and had a son named Khalid with her deceased husband. Ramla and Ahmed's family were hesitant to accept Zara and her son into their family. However, over a period of time, both of them were accepted by Ramla, Zia, Mehar and other family members as well. Both Zara and Ahmed were blessed with a daughter named Barkat in the year 2018.
5. In Feb 2020, Mr. Zain Abdullah transferred a share of his business worth an estimated value of about seventy-five crores in favour of his daughter Zara. In addition to that Zara expressed her willingness to appoint Ahmed as the Managing Director of Zain's company and transfer twenty-five percent of the equity in Ahmed's name. Zara and Ahmed had a lot of discussions about the future and the prospects of inheritance. She expressed Zain's concern regarding the assets of his family being transferred to others than his children and grandchildren. Ahmed may be parting with more of Zain's assets, if these concerns are addressed. For Ahmed, both Zara and the fortune in the footstep were something which he could not deny. Finally, they reached a decision.
6. On 15.03.2020, Ahmed pronounced talaq to Ramla. She along with her children were sent to the property which Ahmed had purchased in Ramla's name. A few properties worth ten crores were also transferred in favour of Ramla and his daughters.

Moot Proposition

7. On 01.09.2020, Ahmed and Zara made an application before the Marriage Officer at Erramanzil for registration of their marriage under the provisions of the Special Marriage Act, 1954. On 05.09.2020, Ramla filed a complaint before the police in accordance with the provisions of The Muslim Women (Protection of Rights on Marriage) Act, 2019. Ahmed was arrested and remanded in the judicial custody.
8. Ramla objected the registration of marriage under special Marriage Act by Ahmed and Zara. She filed an objection before the Marriage Officer contending that the condition for registration under the relevant provision of the Act, has not been satisfied in the instant case. Accordingly, the Marriage Officer refused to register the marriage. Meanwhile Ahmed was released on bail by the Magistrate Court after hearing Ramla.
9. Ahmed preferred an appeal against the order of the Marriage Officer refusing to register the marriage before the Erramanzil District Court. The District Court allowed the appeal and directed the Marriage Officer to register the marriage between Ahmed and Zara according to the Act. Ahmed approached the Hon'ble High Court Deogarh challenging The Muslim Women (Protection of Rights on Marriage) Act, 2019 and the case made against him. Ramla also filed a petition before the Hon'ble High Court of Deogarh challenging the provisions of the Special Marriage Act, 1954. Ramla contended that the Special Marriage Act, 1954 by enabling marriage between already married couples under personal laws is arbitrary and is not keeping the personal law and Special Marriage Act on the same footing with respect to registration of marriage. It also enables misuse of the Special Marriage Act, 1954 for personal gains. The High Court decided to hear both the cases together.
10. Meanwhile, there was a case relating to the constitutionality of Sec. 15 of the Special Marriage Act, 1954 filed by Sheikh Khan Sahab Trust before the Hon'ble Supreme Court of Indos. Therefore, the Supreme Court directed all the High Court to transfer the pending cases before them in relation to this issue. Accordingly, the Deogarh High Court transferred both cases to the Supreme Court.

Note : The laws of Indos in pari materia with those of India.