



MOOT COURT SOCIETY, LAW CENTRE-I

FACULTY OF LAW, UNIVERSITY OF DELHI



CLARIFICATIONS TO THE MOOT PROBLEM

CIM 2025

Q1. The exact date or month when Mr. B commenced his employment in New Jersey, USA. Kindly clarify where Ms. A was residing at the time of the child's birth (whether in the matrimonial home or her parental house), and where Mr. B was residing at that time — in India or the United States.

A1. Mr. B commenced employment in New Jersey in January 2021. At the time of the child's birth on 10 June 2022, Ms. A was residing in the matrimonial home in Pravarashtra, India. Mr. B was residing in the United States and did not return to India until a short visit after the birth.

Q2. Kindly clarify the context and timeline regarding Mr. B's alleged taunts comparing Ms. A to his colleagues' wives living abroad — whether these remarks were made while he was still residing in India or after his relocation to the United States in January 2021.

A2. These remarks were alleged to have been made both during his visits to India and in online communications after his relocation to the United States.

Q3. The specific U.S. court (state or federal) which granted the divorce decree, along with confirmation of its jurisdictional basis (e.g., domicile, residence, or citizenship).

A3. The decree was granted by the Superior Court of New Jersey, Family Division, on the basis of Mr. B's residence in the state for more than one year prior to filing.

Q4. Clarification on whether any appeal or review proceedings are pending in the U.S. or India against the said decree.

A4. No appeal or review proceedings are pending in the United States. Ms. A has challenged the validity of the decree before Indian courts, which remains part of the present matter before the Supreme Court.

Q5. The current procedural status of the criminal cases filed under Sections 498A, 406, and 361 IPC (e.g., charge-sheet filed, under investigation, or pending trial).

A5. In the Section 498A and 406 IPC case, the charge-sheet has been filed and the case is pending trial before the Magistrate at Pravarashtra. The complaint under Section 361 IPC is under investigation.

Q6. Whether any interim orders have been passed by Indian courts regarding the child's custody after the interim custody order mentioned in paragraph 12 of the problem.

A6. No further orders have been passed after the interim custody order referred to in paragraph 12.

Q7. Confirmation of the child's current residence and custody status — whether she remains with Ms. A pursuant to the interim order or with Mr. B's relatives in Delhi.

A7. Pursuant to the interim custody order, the child presently resides with Ms. A.

Q8. Mode and proof of service of process for the U.S. divorce proceedings — whether effected under any international instrument such as the Hague Service Convention.

A8. Service of process was effected by email and international courier. There is no record of service through diplomatic channels or under the Hague Service Convention.

Q9. Whether Ms. A's non-response in the U.S. proceedings was recorded as "non-appearance" or "default judgment" under U.S. law.

A9. The record of the U.S. court reflects it as a default judgment due to non-appearance by Ms. A.

Q10. Whether any formal maintenance or alimony claim has been filed by Ms. A in India or any jurisdiction abroad.

A10. Ms. A has filed an application for maintenance under Section 125 of the Code of Criminal Procedure, 1973, before the Family Court at Pravarashtra. No such claim has been filed abroad.

Q11. Whether the "writ petition" challenging Section 498A IPC is limited to Mr. B's case or forms part of a broader constitutional challenge applicable to all cases under that section, and whether it is included in the "overlapping questions" in paragraph 14.

A11. The writ petition filed by Mr. B initially concerned his own criminal case. However, the High Court's referral under Article 139A includes the broader constitutional challenge to Section 498A IPC as part of the overlapping questions.

Q12. Clarification on whether the child possesses a valid passport or travel documents as per the alleged plan to relocate her to the United States.

A12. The child does not presently possess a passport or travel documents. An application for the same was initiated by Mr. B but was not processed owing to the custody dispute.

Q13. Confirmation on whether the High Court's referral to the Supreme Court under Article 139A pertains to all issues cumulatively or only specific constitutional questions.

A13. The referral under Article 139A pertains to all issues cumulatively, including the recognition of foreign decrees, custody disputes, and the constitutional challenge, as they are interlinked and arise from the same factual matrix.