



## ILS MOOT COURT SOCIETY

### ANNUAL INTRA-COLLEGE NOVICE MOOT COURT COMPETITION, 2021

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#### LAW OF TORTS

*Ms. Fatima D'Souza*

v.

*Ms. Anshika Mondal*

1. Syndia is a country located in the southern part of the continent Basia. 'Syndu' is a religion which originated in Syndia with majority of the individuals from this country practicing the same. However, the land acted as an abode to various other religions as well.
2. Within Syndia, in the State of Karnarajya, there was a religious structure of the 'Ajax' religion. It was owned by a private trust and was situated in the city of Arjunpur. One of the widely practiced customs of this religion was of animal sacrifice. As per the locals, on every alternate day, a dog was sacrificed in the structure during the early hours of morning. In certain cases, sacrifices were done as early as 4:00 am which in turn generated a lot of noise with the wailing and squealing of the animal. This had disturbed a lot of Syndus who were living in the periphery of the structure, who in turn had notified the head of the trust and a prominent religious figure of the Ajax religion, Ms. Fatima D'Souza, regarding their inconvenience. On 9<sup>th</sup> March 2019, in order to resolve the issue, the Syndu organisation 'Cruento' which consisted of Syndu women led by Ms. Anshika Mondal entered the inner sanctum of the structure in spite of being warned by the guards and stopped the ceremony from proceeding. Ms. D'Souza sternly ordered the Syndu women to move out as it amounted to violating and defiling their place of worship. As per the Ajax religion, no person belonging to any other religion was allowed to enter the inner sanctum. If such an entry was done, it would amount to defilement of the religious



structure and would further require 'Shudhikaran' (purification ceremonies) to reintroduce the religious structure for public use.

3. The women enraged by Ms. D'Souza, gave some passionate interviews to a local media outlet on the inconvenience caused by Ms D'Souza and group. These interviews shortly went viral with a lot of people claiming to have the same problem with the group in question.
4. Ms. D'Souza infuriated with this sudden shift of narrative, referred to Ms. Anshika Mondal along with the Syndu women as "disgusting Syndu roaches being led by an unprincipled swine masquerading as a leader" in her own interview to a media outlet. This statement spread like wildfire throughout the country.
5. On the day of 25<sup>th</sup> March 2019, a large group of Syndu women gathered outside the structure headed by Ms. D'Souza to protest against the statements made by her. In response to this, a group of Ajax followers responded with intense sloganeering. Fearing a riot, the Government sealed the structure temporarily.
6. On the subsequent day Ms. Mondal filed a case in the Arjunpur City Civil Court against Ms. D'Souza claiming that her right to reputation was tarnished by the vile statements made by Ms. D'Souza. At the same time, Ms. D'Souza filed a plaint on the behalf of the trust alleging that Ms. Mondal conspired with her followers and trespassed into their property defiling their place of worship. She further claimed that in order to purify their place of worship, it would require a Shudhikaran ceremony the cost of which should be borne by the Defendant. The City Civil Court for the purpose of expeditious proceedings clubbed the two Plaints to be heard together using its inherent powers. After hearing the arguments, the Hon'ble Arjunpur City Civil Court held that Ms. D'Souza is liable to pay damages to Ms. Mondal and at the same time, dismissed the Plaint filed by Ms. D'Souza on merit. Ms D'Souza appealed this order in the High Court of Karnarajya.



**Issues:**

Argue in the favour of Ms. D'Souza that:

- a) Ms. Mondal is liable to pay damages to Ms. D'Souza for committing trespass.
- b) Ms. D'Souza is not liable to pay damages to Ms. Mondal for the alleged tort of defamation.

OR

Argue in the favour of Ms. Mondal that:

- a) Ms. Mondal is not liable to pay damages to Ms. D'Souza for the alleged tort of trespass.
- b) Ms. D'Souza is liable to pay damages to Ms. Mondal for committing defamation.

Argue for Ms. Mondal or Ms. D' Souza. The laws of Syndia are *pari materia* with the laws of the Republic of India.

*The moot proposition has been drafted by Advait Helekar (V B.A.LL.B) and Soham Bhalerao (V B.A.LL.B), ILS Law College, Pune for Novice Moot Court Competition, 2021.*