**Moot Problem[[1]](#footnote-2)\***

Dr. Sunita Deshpande Vs. Mr. Hari Gowda[[2]](#footnote-3)•

1. Dr. Sunita Deshpande, who has studied in an International Boarding School and also prestigious medical colleges in India and abroad, is now working as a Gynaecologist in the prestigious MNC Hospital in Kangalore and has been doing so, for the last seven years.
2. On 10thMay, 2017, around 10 pm, Dr. Sunita Deshpande was alone at home and busy on an urgent skype call made by her fiancé from London, when she heard an urgent and loud knock. On opening her door, she found a couple of burly men led by Mr.Hari Gowda, the local political leader, whom she had met earlier in a district health camp. On her asking the reason, Mr. Gowda requested her to come immediately with him to the nearby Slum to assist a lady in her delivery. Dr.Sunita, feeling uneasy, refused to accompany him giving the excuse that she was busy. But Mr. Gowda, with the help of his local musclemen, forcibly put her into the SUV. Dr. Sunita, helpless, went to the Slum and assisted the lady in delivering her child. She was paid ₹ 10,000-00 for her medical services.  Mr.Gowda also arranged for the safe return of Dr. Sunita to her home, at around 2 am. She immediately tried to call her fiancé on skype to explain the circumstances that led her to abruptly leave the call; he however refused to talk to her and cut the call.

3. This high handed act of Mr.Gowda, invited the attention of the medical profession. The local Hindian Medical Association immediately resolved to appeal to the Police to provide necessary security to medical practitioners; further, the dailies and the electronic media hyped the story and gave undue publicity to the incident. The indifference of her fiancé and the hype and publicity while among her colleagues, friends, relatives and people in the locality caused her acute embarrassment.

4. Dr. Sunita filed a Suit for damages, totalling ₹ 20,00,000-00 against Mr. Gowda alleging that “*defendant Mr.Gowda, with his musclemen, committed an assault and outraged her modesty by forcibly taking her to the slum to perform medical services which she was not willing to perform*”. She further stated that she was paid ₹ 10,000-00, which she accepted with *‘extreme reluctance’*. In a Written Statement, admitting that he, with the help of his supporters, had forcibly put her into the SUV, defendant Mr. Gowda denied any wrongdoing by such acts. He contended that, “*what he did, didn’t constitute any wrongful or actionable claim in Tort”.* He also pleaded that – “*Plaintiff Dr. Sunita Deshpande, belonging to a noble medical profession, was fully obliged to treat a patient in an emergency”*.

5. The Suit was decreed holding that Mr. Hari Gowda is liable to pay nominal damages of ₹ 10,00,000-00 for intentional assault, etal. Both appealed to the Sarnataka High Court. However, on the High Court dismissing both the Regular First Appeals, the Special leave petitions were filed in the Supreme Court of Hindia, which granted leave and posted both the clubbed Civil Appeals for hearing on 14th October, 2017.

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The mooters shall prepare a brief for the Appellant/Respondent Dr. Sunita Deshpande and the Respondent/Appellant Mr.Hari Gowda.

1. **\***The Moot Court Problem is prepared by ***Shri. Mohan V. Katarki****,* Advocate Supreme Court of India, New Delhi*, alumni of University College of Law, Dharwad (now renamed as Karnatak University’s Sir Siddappa Kambli Law College, Dharwad).*Any attempt to contact the author may incur disqualification. [↑](#footnote-ref-2)
2. • The Moot Problem is a fiction. Reference to Sarnataka and Hindia is to be understood as Karnataka and India for this moot purpose. [↑](#footnote-ref-3)