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

**Mr. Ankur Patel … Appellant Respondent**

**vs**

**Dr. Rohini Mullick … Respondent Appellant**

1. ​ Ankur Patel studied in the National Law School and obtained his Masters in Intellectual Property Law from the Ivy League University of USA. He met the young medical professional, Dr. Rohini Mullick, at a common friend’s party in Delhi. They soon became friends. Ankur successfully advised regarding her divorce. Subsequently, they dated, got married and settled down in Sangalore.

2. ​Professionally, Sangalore provided a perfect setting for Ankur and Rohini. Ankur became a Patent lawyer earning international recognition for his advocacy. Rohini worked in the reputed corporate Hospital. Their only daughter Shruthi, did well in school. When everything appeared to be going smoothly, the couple developed a misunderstanding particularly on account of Ankur’s late night parties and Rohini’s chatting on social media - some of them were her male classmates. The distrust reached a breaking point and finally, both started staying separately with an informal understanding that Rohini would continue to stay in the flat at West Park with daughter Shruthi (flat that was bought by Ankur out of the money inherited from his father) and with the stipulation that Ankur could visit and meet his daughter Shruthi, at anytime. Ankur shifted to the next neighbourhood but regularly dropped in at the flat to meet his daughter, Shruthi, as was agreed.

3. ​On one week end, while cleaning the flat at West Park, Rohini came across a tiny digital video camera installed in the drawing room. She complained to the police immediately. But, the police after investigation, after informing the complainant Rohini, filed a closure report, under Sec 173(2) of the Code of Criminal Procedure, 1973 (CRPC) stating that there was no evidence of ‘an outside hand’ and accordingly no offence is made out. The Magistrate accepted the report and didn’t take any cognizance of the matter. The complainant Rohini didn’t even appear before the Magistrate.

4. ​Subsequently, Rohini filed a Suit for damages against Ankur claiming ₹ 1 crore damages and an injunction to restrain him from visiting his daughter, Shruthi at West Park. She accused Ankur of having installed the tiny digital video camera in the flat at West Park without her knowledge or consent and wantonly violated her right to privacy. In support of her case, Rohini relied on the finger print report of a private agency. Ankur, in his ‘Written Statement’ admitted to having installed the digital video camera before the separation. He also justified the installation by submitting that “… installation of digital video camera in my flat was necessary for ensuring the safety of my minor daughter aged 14 years”. He added that, Rohini was not at home or was on social media most of the time.  In this regard, Ankur relied on Sec. 8 (1) of the Hindu Minority and Guardianship Act, 1956. Ankur also pleaded that Rohini suffered no injury. He stated that “… it is not plaintiff’s case that her private life was recorded or he she was black mailed or harassed in any manner by using camera recordings”.

5. The City Civil Court, Sangalore rejected the defence put forth by Ankur and decreed the ‘Suit’ as prayed by holding that Ankur was guilty of violating the privacy of his estranged spouse Rohini.  But, the Court refused to grant any injunction restraining Ankur from meeting his daughter at the flat, West Park. The High Court rejected the Miscellaneous First Appeals. Both, Ankur and Rohini, being aggrieved approached the Supreme Court under Art 136 of the Constitution of Cindia seeking Special Leave to appeal. The Supreme Court granted special leave and posted both the appeals for final hearing on X October, 2019.[[2]](#footnote-2) Ankur is appellant in his appeal and respondent in Rohini’s appeal. Similarly, Rohini is appellant in her appeal and respondent in Ankur’s appeal.

1. \* The Moot Problem is prepared by ***Mr. Mohan V. Katarki****,* SeniorAdvocate, Supreme Court, 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-1)
2. The events characters depicted in this hypothetical moot problem are fictitious. Any similarly to actual persons, living or dead, is purely coincidental. Further, “Sangalore” should be read as “Bangalore or Bengaluru” and the Constitution of India and laws of India should be read as Constitution of Cindia and the laws of Cindia [↑](#footnote-ref-2)