

BB.A. LL.B. SEMESTER IX

MOOT PROBLEM II

Arya Bhatt and Raghav Mishra got married on 25/03/2015 in the city of Patna according to Hindu rites and rituals and on the same day their marriage was registered under the Hindu Marriage Act 1955.

Arya Bhatt works in Dutch Bank as a Manager and the Raghav Mishra works as Configuration Manager in SICO Company in the city of Mumbai. Aryan and Raghav have heavy workload and were required to travel frequently in connection with their work.

So, the couple mutually agreed not to have a child for at least three of marriage as they found their work schedule not permitting them.

For the reason, the wife used a contraception called Copper T (IUD) as suggested by a medical practitioner for avoiding the pregnancy. On April 10, 2016 she had gone through the procedure of inserting the Copper T by the Doctor.

The wife missed her periods and on September 15, 2016 when the pregnancy test was done, it was confirmed that she is 6 weeks pregnant. On the same, the couple was not prepared but the husband after seeing the sonogram of the fetus, felt a different kind of affection towards the unborn baby and was a favor of having the child.

But on the contrary, the wife was firm about her decision of not having the child right now. At the same time, the families of the couple were also wanted her to continue with her pregnancy.

But, the wife as she was not mentally prepared for the child, she decided to go for abortion.

On which the husband was not in favor, which led to the dispute between the couple. The husband filed a petition in the Supreme Court of India against his wife's decision of abortion.

Issues:

1. Whether the Supreme Court has jurisdiction to entertain the petition?
2. Whether the wife has a right of Abortion without the consent of the husband?
3. Whether husband is entitled to ask any injunction order from the court against the decision of his wife?

Note: Students are requested to prepare their memorial from either of the sides. In addition to these issues, the students are at liberty to frame their own issue relevant in this above case.