

1st ALC NATIONAL CLIENT COUNSELLING COMPETITION - 2020

18th January, 2020

CLIENT COUNSELLING PROBLEM

Lala Surajmal is a well-known sweet seller in Fatehpur Sikri. His shop is particularly well-known for the sikri peda. Its recipe is a secret of Lala Surajmal and he does not share it with any outsider to the family. He gets orders from across the country for his famous sikri pedas.

He has three shops in Fatehpur sikri. He also has one house. All his properties are self-acquired. He has three sons Parag, Suhas and Anand who help him with his business. His eldest son Parag contributed the most in the business and did not wish to marry. Lala Surajmal persuaded Parag for marriage and promised that if he gets married, he will gift the house to him, provided he shall be allowed to live on the ground floor.

Lala Surajmal also executed a registered Gift Deed in favour of Parag, with a condition that the deed will come into effect when the marriage solemnizes. He also had a communication with his son Parag about one more condition that he shall be allowed to occupy the ground floor and will be looked after by Parag and his future wife. This condition does not find a mention in the gift deed. The house continues to be registered in the name of Lala Surajmal, who has been paying House Tax thereon; the electricity and water connections of the house also continue to be in his name and he has been paying bills thereof.

A considerable time lapsed after this and Parag seemed unresponsive towards the question of his marriage and didn't even formally accepted the Gift. He also did not give his assent to the condition regarding the stay of Lala Surajmal on the ground floor.

After 5 years from the date of gift deed, at the age of 42 yrs finally Parag got married. Soon after the marriage of their elder brother, two younger sons of Lala Surajmal moved out of the house as they were aware of the gift deed in favour of Parag and started living separately with their families. Lala Surajmal shifted to the ground floor of the house. After this Parag started making the payments of Water bill, gas bill, electricity charges etc. After 6 months of his marriage Parag along with his wife Seema went for the 51 shakti peeth darshan.

Parag died in a landslide and his wife got seriously injured. Lala Surajmal immediately went to save his daughter in law. She got saved with much difficulty. The doctors told him that she is expecting and needs lot of care since it is now a delicate case due to her mental and physical condition. There are chances of loosing the child. Lala Surajmal resided with his daughter-in-law and took care of her all this time.

During this period, Lala Surajmal's health started deteriorating. There were losses in business. He wrote a will, divided the entire business into three parts.

Seema, after the birth of her son, started snubbing Lala Surajmal; the treatment meted out by Seema to Lala Surajmal worsened "within a few months" and she also stopped giving food, though Lala Surajmal continued to live on the ground floor, compelling him to go for food to the adjoining house of his another son. After few months, Seema eventually prevented the entry of the Lala Surajmal to the ground floor and also expressed her wish to live with her parents, after selling the house.

Lala Surajmal now wishes to revoke the gift deed on the ground of breach of condition attached with the gift deed that Parag and Seema will look after him, taking care of all his needs including food, shelter, clothing etc. Meanwhile, Seema sold the house to Anurag and went on to live with her parents.

Lala Surajmal now wants to set aside the sale of the house, seeking permanent injunction against Seema and Anurag that they be permanently restrained from claiming any right, title or interest in the suit property.

In addition, thereto, he also seeks possession of the house from Anurag.