**Moot Problem**

[1] Rajesh, though lost his father at young age, has been blessed with ancestral property and funds. He was very enterprising. Bengaluru is a place of opportunities. Soon after his collegiate education, Rajesh had started educational institution in the name of Shraddha Foundation. It was formed as a registered trust. He and his widowed, mother, Kamala, were the trustees. Rajesh was the managing trustee. The educational institution was begun with kindergarten school. But it has grown into a multi-educational hub. Thanks to hard work and dedication of Rajesh for such growth.

[2] The mother Kamala was keen on her son getting married. She searched for a bride. She came across her distant relative, Krishnayya, a government servant. His wife was Parvathi. Krishnayya was on the lookout for a suitable bridegroom for his only daughter, Savitha. She was a post-graduate. She was working as a part time lecturer in a local college in Bengaluru. In due course, after match-making formalities being completed,Kamala could fix her son’s marriage with Savitha. Marriage took place in Bengaluru as per custom of the Hindu Vaishya community to which the parties belonged.

[3] Rajesh and Savitha began life’s journey as husband and wife. They lived happily, with Kamala. Soon Savitha became pregnant and in due course gave birth to a male child. Everything seemed to go on as planned by Kamala. She was very happy. She told her son that sooner or later she has to exit from the Trusteeship of Shraddha Foundation. Kamala suggested to Rajesh to induct his wife as a co-trustee to continue the trust. Though Rajesh was not keen to do so because he felt it was too early, he did not intend to displease the mother. Thus, Savitha was inducted as co-trustee of their educational trust.

[4] Krishnayyaretired from service. He and Parvathi came to know that their daughter was co-trustee of a vast educational insitution. Slowly it dawned on them as to why not use this to garner entry into such profitable venture so that they could make their life a little more comfortable. Savitha, being egged on by her parents, started asking Rajesh to consider the plight of her parents and to accommodate her father in some post so that he could supplement his pension. Rajesh tried to dissuade Savitha from requesting for such favour. He pointed out to her that it would lead to bad blood between relatives if things do not move forward cordially. Savitha did not like this suggestion. Savitha’s body language at home suggested to Kamala that something was wrong. When Kamala came to know of the facts, she prevailed on her son to induct Krishnayya to a post in one of the institutions of Shraddha Foundation as its manager.

[5] When the child grew up, Savitha found enough time to spare. She began to participate in trust affairs. Initially Rajesh was not very happy that Savitha should intervene in the matter of trust. But he felt that the ultimate say being his, it would not matter and allowed freedom to his wife.

[6] Time rolled. Savitha who got taste of power began to interfere in all matters of the affairs of the trust and its several insitutions. Her father gave her courage and feedback. This lead to misunderstanding between Rajesh and Savitha.

[7] Kamala came to know of the problem. She tried to advise the daughter in law. Savitha resented this. What began as misunderstanding in office matters, lead to bickering at home. Kamala could not see the quarrel between son and daughter in law as to each and every conduct of each other and its analysis and high pitched abuses between the two. The young boy was getting disturbed by seeing quarrel of his parents. Kamala tried to involve Krishnayya and Parvathi to sort out the problem. She was shocked to find that they were taking sides with daughter instead of guiding and advising her. Apparently because Kamala could not withstand such sudden change of situation she succumbed and suddenly breathed her lastby cardiac failure. Now Shraddha Foundation is left with only two trustees.

[8] Once employees came to know of the bickering between the trustees, they too began to take its advantage. Nilima the private secretary of Rajesh carried tales to him. Her constant association with Rajesh in chamber lead to suspicion of Savitha. Rajesh felt that Savitha was moving closely with one of the lecturers of the college, by name Ramesh, who was giving ideas to her in the matter of administration of affairs of the colleges and schools.

[9] Rajesh told Savitha that he would not like her interference in the trust affairs and if she continued he would take suitable measures as he was the founder of the trust. Savitha did not budge. Rajesh exercised his power as founder of the trust and he removed her from trusteeship.

[10] At this turn of event, Savitha took her son and left the matrimonial house and began to live in the house of her parents. Being guided by her father and Ramesh, Savitha filed suit in the Court at Bengaluru to establish her right as trustee by declaring her removal as void. Notwithstanding her removal she used to attend the office of the colleges and interfere in day to day affairs. Employees being helpless did not know what to do. Rajesh lodged complaint with police. Savitha also lodged complaint with police against Rajesh. The police gave endorsement to sort out the issues in civil court.

[11] Nilima took advantage of the spousal quarrel. She came forward to help Rajesh in his domestic matters. She moved so closely that it lead to gossip of outsidersthat she had a living-in relationship with Rajesh.
She prided in it.

[12] As the suit filed by Savitha was taking its toll, she was goaded by her advisers to write to Banks not to allow Rajesh to continue to operate bank account of the schools, colleges and trust.Apparently the idea was to pressurise Rajesh to withdraw the removal of trusteeship of Savitha. The Banks intended to safeguard themselves against any future problems one or the other way. Hence they wrote to Rajesh that unless there is court order in his favour they would not allow operation of Bank account as before in view of the dispute pending in court at the instance of one of the co-trustee.

[13] Now it became the turn of Rajesh to file suit for injunction against Savitha to prevent her from interfering in the affairs of the trust including operation of Bank accounts.Court did not grant temporary injunction. This led to the Bank’s stopping operation of the Bank accounts. Rajesh had to find out other ways to run the educational institutions, including paying salary to several employees.

[14] Savitha then gave newspaper advertisement about the suit filed by her and the injunction being not granted and warned public not to deal with Rajesh in relation to affairs of Shraddha Foundation.

[15] All this lead to utter frustration of Rajesh. He sent legal notice seeking divorce of Savitha. Undaunted, she gave lawyer’s reply.

[16] Rajesh filed a petition in the Family Court at Bengaluru seeking divorce from Savitha. He put forward the above facts and urged that Savitha treated him with cruelty. He also urged that Savitha’s conduct of hobnobbing with Ramesh made him look down in society. On these grounds he sought divorce.

[17] Savitha appeared and filed her objection. She made a counter claim. She alleged that Rajesh was living in adultery with Nilima. On this ground she too claimed divorce from Rajesh.

[18] Family Court framed proper issues and tried the case. Family court concluded that disputes relating to affairs of the trust could not be considered as cruelty in matrimony. Apart from the subject matter of pending suit by Savitha to establish her right, As regards the counterclaim, the Family Court held that there being no evidence of any sexual intercourse between Rajesh and Nilima the concept of living in adultery would not be applicable and hence it rejected the counterclaim also.

[19] In the mean time the two suits relating trusts by Savitha and Rajesh having been tried in the court, it ended in decree in favour of Savitha holding that her removal as trustee was not legally valid and consequently the suit filed by Rajesh was dismissed.

[20] Both Rajesh and Savitha appealed to High Court. They also filed appeal regarding their civil disputes. In the High court the Judge tried to bring about reconciliation between the spouses. But both did not budge. Hence the Court heard the matter and dismissed both appeals.

[21] Both have approached the Supreme Court by filing SLP.

[Issues regarding the jurisdiction and admissibility of the case has already been decided, now the matter is posted for final arguments as on the said date.]