



MIAMC
HYDERABAD



GUPTA LAW ASSOCIATES®



BRIDGE
THINK TANK

GNLU Legal Services Committee
presents

5TH GALSF MEDIATION COMPETITION

MEDIATION PROBLEM (QUARTER-FINALS)

29th MARCH, 2024



**GUJARAT NATIONAL LAW UNIVERSITY
GANDHINAGAR**



5TH GALSF MEDIATION COMPETITION

MEDIATION PROBLEM (QUARTER-FINALS)

1. Arun and Tara got married in May 2023 in Kerala with the blessings of both of their families. Arun belongs to a prominent real estate business family that has acquired significant wealth and assets, particularly in Kerala. Arun, despite his family's financial standing, lacks a personal fixed income, holds no specific professional designation, and is not actively involved in the family business. His previous marriage ended in divorce in January 2021 due to his alcohol addiction. There were no reported instances of violence or abuse in this marriage.
2. On the other hand, Tara was a sales executive at ClickCart, drawing a modest salary. Prior to getting married, Tara lived with her parents and her younger sister, Aditi, who is a university student studying civil engineering in Bengaluru. Tara has been the primary breadwinner for her family since she started her professional journey.
3. She met Arun through mutual friends at a wedding. After a year of knowing each other, Arun and Tara decided to get married. Despite being aware of Arun's alcohol addiction, Tara agreed to marry him, expressing her commitment to his recovery and rehabilitation.
4. After getting married, Tara moved in with Arun's family, which included his parents and his sister, Shivika, who worked at the family business. After the wedding, Tara had brought along with her some ancestral jewellery, electronic appliances, and a hatchback car, to her new home. The hatchback was gradually incorporated into the operations of the family business, particularly by Shivika, who primarily handled the everyday management functions of the family business, and therefore was required to travel frequently. This deprived Tara of the use of her car. Consequently, tensions arose between Tara and Shivika. Shivika also accused Tara of exploiting their family's affluence for her benefit. On the other hand, Tara alleged misappropriation of company funds for personal use by Shivika.
5. Arun's mother was affronted by the allegations levelled against her daughter. She spoke up in defence of her children when addressing Tara and also contacted Tara's parents to express her concerns about the growing acrimony in the household. This fuelled further disputes, which had now

escalated between the two households. This led to increasing animosity between Arun and Tara as well.

6. Another major issue of contention was that Tara wanted Arun to build a house in the couple's name that they could live in together. She wanted the house in order to ensure that they had an asset exclusively in their name out of concern owing to Arun's lack of financial stability, and the pooled nature of assets of the family. She also wished to have the house so that she and Arun could live independently and peacefully, without any conflicts with the rest of the family members. However, Arun remained vehemently against this, citing his caregiving responsibilities towards his ageing parents. He told Tara that his parents were his priority, that their presence, opinions, and welfare were paramount to him, and that he would have to stay with them. Tara retorted, stating that she also had her parents and sister to care about and look after, which Arun said he did not deny.
7. As a consequence of the escalating levels of conflict in the household, Arun's addiction worsened. During one of the couple's confrontations, Arun, in a drunken fit, pushed Tara, causing her to fall. Later, he apologised and decided to seek professional help to address his addiction issues. After this incident, Arun and Shivika's parents decided to transfer all of the properties and investments that were in Arun's name, to Shivika's name citing the need to safeguard the family's financial interests. Arun gave in to their decision before proceeding to check himself into a rehabilitation centre.
8. While Arun was in the rehabilitation facility for 2 (two) months, Tara lost her job at ClickCart due to market layoffs, further worsening the couple's personal and financial conditions. This also had a significant impact on Tara's parents and sister, who heavily relied on her income to run their household. They were unable to cover Aditi's tuition fee, leading to her semester results being withheld. Aditi also had to borrow money from her friends to cover her hostel fee to avoid being evicted. When Tara sought her mother-in-law's permission to direct funds from their family business to hers, she refused to do so. The reason she provided was that she needed to ensure the security of her immediate family and their family's financial position.
9. Later, Tara also discovered that her mother-in-law and father-in-law were also having marital issues. She accused her mother-in-law of trying to cause a rift between her and Arun because she was unhappily married herself. She also accused her and Shivika of stealing Arun's money and emotionally manipulating him for their personal and financial interests. Thereafter, she

briefly left her in-laws' house to live with her parents, but returned when Arun was to come back home from the rehabilitation facility.

10. A few months after Arun's return from the rehabilitation facility, Shivika was to be engaged. The celebrations included a lavish ceremony followed by a party at the Grand Harriet Resort in Bengaluru, where Tara's family, including Aditi, were also invited to attend and stay. For the event, Arun decided to give Shivika an emerald jewellery set as a gift from him and Tara. He purchased the gift three days before the ceremony, using his limited savings and utilised some funds from Tara's savings account. Upon realising what her husband had done, Tara was infuriated. Arun defended his decision, stating that since Shivika worked at the family business, no proceeds or income from the family business should be used to purchase the present that she received, and he did not have any substantial personal funds at the time. He promised Tara that he would replenish her savings account once his real estate deal with an Agri-Tech startup was closed.
11. The family flew to Bengaluru together, 3 (three) days before the engagement ceremony, while the issue of the savings account remained unresolved between the couple. When they landed, Tara, not wanting to stay with Arun for some time, decided to visit her sister, Aditi, at her college hostel. Both the sisters received their parents from the railway station, and the family decided to stay together at their relatives' house rather than go to the Grand Harriet Resort. Tara informed her in-laws that she would arrive with her parents on the day of the engagement. On the same day, Arun informed her that the deal with the Agri-Tech startup fell through, and as a consequence, he would not be able to repay her for some time. This led to another heated argument between the couple.
12. On the day of the engagement, Arun picked up Tara and her family from their relatives' house. He apologised profusely for his behaviour and told Tara that he had sold his car to ensure that he repaid the amount he owed her. He also bought her parents flight tickets to save them the long train journey back home and assured them that he would take better care of their daughter. The couple seemingly made up, and reached the resort to attend the engagement ceremony.
13. Right before the ceremony, the jewellery set that was supposed to be the couple's gift to Shivika was nowhere to be found. The manager of the resort was called. He engaged the entire staff to look for the jewellery, but nothing could be found. The police were informed, and the CCTV footage of the resort was thoroughly checked, but to no avail.

14. Arun and Tara could also not buy a new gift at the last moment. The lack of any presents from them to Shivika fuelled the rumours of the troubles in their family amongst their friends, relatives, colleagues, and employees. Shivika felt humiliated and took the gesture to be a public insult. A heated argument broke out between Arun and Tara's families, and the service staff of the resort had to intervene. This incident caused Arun to relapse.
15. Consequently, owing to her financial and personal struggles, Tara moved back in with her family. Despite trying to find a job for months and appearing for several interviews, she was unable to secure a role at any organisation.
16. Angered and frustrated at not having a job despite having the requisite qualifications and experience, Tara went back to her in-laws and accused them of being the reason for her financial and personal hardships, as she believed her background checks for job applications were influenced by them. They offered Tara financial support, but she rebuffed their proposal, stating that she did not require their assistance, and this led to a heated altercation amongst the family members.
17. In the aftermath of the altercation, Tara filed a complaint with the Crime Against Women ("CAW") Cell of the local police station in Kerala. Upon becoming aware of the complaint, Arun's parents privately reached out to Tara, asking her to withdraw the complaint in exchange for monetary consideration. However, she declined their offer.
18. Following due process, the Investigation Officer ("IO") conducted a preliminary investigation. After assessing the facts, the IO deemed the matter amenable to settlement. Accordingly, mediation proceedings were initiated between the parties.

