

### **MOOT PROBLEM NO. 5**

An illiterate widow Arundati Naik is living at Borim with two daughters Alka and Falguni. Both daughters were going to school. The schooling and family expenses were met by the meager amount of husband's Pension. As the prices of the household things gone up, it became very difficult to continue schooling of her children.

All three ladies were living in an ancestral house with a large backyard. A cellular company by name AIRBEL approached her and promised her to pay monthly rent if she allows them to erect signal tower in her backyard.

Before the Co approached her, they were in touch with her other neighbors. However, each time the local villagers objected fearing its effects on health. Every time they succeeded in bulldozing the owner of the land and avoided erection of the signal tower.

Arundati negotiated with the Company and finally agreed for Rs 4000/month. When this negotiation was going on the neighbors again raised objection for the act of Arundati. However, she did not relent as she was not in a position to relent. Therefore, AIRBEL erected a tower successfully after failing thrice to do the same.

Bharat Matondkar, immediate neighbor of Arundati developed mental fatigue, severe headache and vertigo problem. He suspected the strong radiations from the signal tower are the cause for the problem. The doctors treated him for the same; the total expenses came to be 5 lakh.

Immediately after getting discharged from the hospital, he filed a case against the widow for the claim of compensation. The court issued summons against the widow and initiated the proceedings. Arundati objected for the proceedings stating that AIRBEL should be party to the proceedings.

Issues before the court

1. Whether Court can proceed with the case in absence of AIRBEL?
2. Whether Arundati is liable to pay compensation?