**Moot Problem**

Girish is an IT engineer and works in a corporate firm by the name AlakazaamIT Solutions pvt ltd. Girish married Sudha in January 2016 with all the relevant Bhindu rituals in Yodha, Uttam Desh a state in country Jendia. Sudha is a BA graduate and works from home as a Content Creator for a company by the name Khelkrida. Right after their marriage in January 2016, they shifted to Jurujram, Harjana which is another state in the country of Jendia and are living there ever since.

Both of them were living a happily married and smooth life until December 2016 when Sudha started to notice some surprising facts about her husband. While regular house clean-up she was surprised to found an adult gay magazine in her husband’s wardrobe but instead of doubting she ignored the fact and kept it where she found it. Alittle bit later that month, she found intimate chats in her husband’s phone with a guy named Abhinav. This guy was earlier introduced by her husband to her, who stated him to be his office colleague. She was shocked of the fact and now could connect dots. This revelation of Girish made Sudha a lot tensed and worried. She was shocked at her revelation and decided to discuss the matter with her husband but to her surprise he was not interested in talking about the matter and whenever she tried to talk he kept on avoiding it.

She decided to discuss the matter with her brother Shobit who is lawyer practising in Supreme Court of Jendia. She let out all the revelations and doubts to her brother. She let him know that she wanted a way out of the relationship but keeping family relations in mind her brother suggested that she should not file a suit for divorce because if while the divorce proceedings a relation is established between Girish and the another guy then later he could also face severe repercussions, both legally and from the society. She decided to take her brother’s advice as she too agreed that her husband’s sexuality hasn’t affected their marriage at all and making such person suffer by revealing his sexuality in such a society is not the right thing.

In 2018 The Supreme Court of Jendia decriminalised unnatural offences which was a great sight of relief for the LGBTQ community. Although the society couldn’t accept it instantly and the fear of thesame made Girish still stay quiet and not discuss it with anyone.Sudha was hoping that Girish would now discuss the matter with her but that did not happened. All of this troubled her and she again went to take advice of her brother. This time her brother agreed to file a divorce suit. Legal notice was sent, proceedings took place where a decree of divorce was seeked on the ground of mental cruelty. Sudha was although not able to corroborate any of the admissions and was not able to prove any such extra marital relation of her husband. The suit was dismissed. After not being able to get a decree for divorce Sudhagot frustrated of this fact and decided to leave Girish and live separately. Girish still feared the repercussions from the society and in order to save the marriage to have a blanket on his sexuality he filed an application for Restitution of Conjugal rights. The court was satisfied that there were no legal grounds to refuse the application and hence application was approved.

Sudha felt that this was a violation of her fundamental right and discussed this with her brother. Sobit on behalf of Sudhachallenged the decision of the district court in the Supreme Court of Jendia, questioning the constitutional validity of Restitution of Conjugal rights.

\*The laws of Jendia is in pari materia with laws of India