**PROBLEM STATEMENT**

1. **Magicland is a Sovereign, Secular, Democratic Republic, having its own written Constitution, which guaranteed some Fundamental Rights to all its citizens. Right to equality before the law and protection against discrimination on the grounds of religion or sex, among others, are part of the Rights to equality guaranteed by the Constitution. However, the personal laws applicable to the citizens varied depending upon the religion to which one belongs. As far as Muslims are concerned, they are governed by The Muslim Personal Law (Shariat) Application Act 1937. This law deals with marriage, succession, inheritance and charities among Muslims.**
2. **Ms. Sadia and Mr. Sulthan, both Muslims and citizens of Magicland got married in 2003 as per the customs of the Muslim personal law. Although they are leading a happy married life, they could not procreate children, despite appropriate medical treatment. Except for this fact, Mr. Sulthan and his parents looked after Ms. Sadia very well. However, on the advice of parents, Mr. Sulthan married another lady by name Ms. Sufia in 2010, with the consent of Ms. Sadia. Ms. Sufia was informed in advance that she would be Mr. Sulthan’s second wife. Ms. Sufia accepted Mr. Sulthan as her husband and their marriage was performed as per the customs of Muslim personal law.**
3. **In 2011, Ms. Sadia conceived, and her pregnancy was confirmed by doctors. Later, Ms. Sadia gave birth to a baby boy. Mr. Sulthan was happy with the child and he decided not to have any more children from both the wives. Ms. Sufia was not happy with his decision and she insisted on having her own baby. But for this fact, Mr. Sulthan was looking after both wives with same affection. However, Ms. Sufia was not happy, and she filed a petition in the Family Court in 2015 seeking divorce from Mr. Sulthan, under section 2(vii) (f) of the Dissolution of the Muslim Marriage Act 1939. Her contention was that by refusing to have children through her, her husband failed to treat her “equitably in accordance with the instructions of Quran.”.**
4. **The Family Court refused to grant divorce and observed that refusing to beget children through her by her husband did not amount to failing to treat her equitably. Ms. Sufia filed an appeal in the High Court and challenged the decision of the Family Court on the ground that refusal by her husband to beget children through her should be considered as valid ground for divorce, because it also amounted to mental cruelty. Ms. Sufia has alternatively pleaded that her second marriage with Mr. Sulthan should be declared as null and void, as polygamy is unconstitutional under Art 14, 15 and 21 of the Constitution. She pleaded that the institution of polygamy violated her Fundamental right to equality before the law and amounted to discrimination on the ground of sex and religion.**
5. **The High Court has observed that the Family Court was wrong in rejecting the petition for divorce. Further, the High Court has also accepted her contention that the system of polygamy violated the Fundamental Rights and therefore declared her marriage as null and void.**
6. **Mr. Sulthan filed an appeal before the Supreme Court of Magicland. He pleaded that he had not caused any mental cruelty to his second wife and challenged the decision of the High Court which declared polygamy as unconstitutional.**

**Advance your arguments on behalf of the appellant and respondent.**

**Note: The constitution and laws of Magicland are same as those of India and all the Judgments of the Apex Court of India are binding on the courts of Magicland.**