

# study material for moot court

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**Certificate Course on Basics of Moot Court**

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**MODULE 5**

**How to Argue Before Court**

# Courtroom Etiquettes and Mannerism

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One needs to be aware of courtroom etiquettes and mannerism. It not only forms a good impression in front of judges but it also carries a portion of marks.

Some of the basic courtroom etiquettes are as follows:

- Always be respectful to the judge.
- One should speak/ act politely to the judge or opposite counsel or the courtroom staff.

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- Arrive on Time. Each and Every second of court is precious and therefore being late is also seen as a marks of disrespect.
- One should disable/ turn off the electronic gadgets like mobile etc. when he/ she enters the courtroom so as to avoid any king of disturbance while the arguments are going on.
- One should always stand up when the jury enters the courtroom.

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- While entering the courtroom when the judge is sitting, one should enter by bowing down as a mark of respect.
- Do not talk in between while the courtroom proceedings are taking place as it diverts the mind of the judge or the opposite counsel.
- Refer the judge as “Your Honour” or “Your Lordship/ Ladyship” and refer the opposite counsels as “Learned Counsel”.

# How to Argue before Court

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After the judge/ judges sit the matter is announced. One of the parties has to begin with the arguments.

- He can proceed by saying “If it may please your lordship, the counsel would like to proceed to the Dias.”
- If there are several judges the counsel may take permission to collectively refer the bench as Lordship. For this permission from the lady judge may be taken by saying “If it may please your ladyship, the counsel would like to refer the bench as lordship”

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- After the permission is granted you can use words like “Much Obligated Your Lordship”.

Now, once the permission is granted the counsel proceeds to the dias.

- The Counsel Confirms the He/ She is the counsel for the Petitioner/ Appellant/Plaintiff and He'll be taking up the first and second issue and the remaining issues will be taken by his co-counsel.

For eg., “The counsel is appearing on behalf of the Petitioner/ Appellant/ Plaintiff. The counsel would be take up the first and second issue and the rest of the issues will be dealt by my co-counsel.”

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Now, once the counsel is granted permission, the counsel needs to explain the facts of the case in brief for the bench to understand what the case is about.

- He can proceed by saying “If it may please your lordship, the counsel would like to state the facts of the case.”
- However, the counsel needs to keep in mind that several other teams are arguing on the same facts. So if previous teams have argued on the proposition before that judge, he is already aware of the facts. So, he tells the teams to skip the facts of the case. The teams should do their time management according to that so that they cover the time even if they have to skip the facts of the case.



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Now, once the facts are clear to the judge, the counsel moves to the arguments of the issues.

- The arguments are structured in a manner for the ease of understanding of the court.
- The counsel seeks permission to address the Arguments Advanced i.e, summary of arguments for that issue.
- For eg., If a party had to address the arguments of Issue 1 then he says “If it may please your lordship the counsel would like to move with the Arguments advanced of Issue 1.”

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Once, the judge is clear with the summary of Arguments then the counsel moves to the Arguments Advanced i.e, complete arguments for the issue.

- If any team cites/ highlights a relevant portion of judgment then he may refer to the compendium i.e, list of judgment cited. He can say “If it may please you lordship, the counsel would like your lordship to refer to Page 64 Para 3 where the judgment in XYZ v. UOI cited as AIR 2021 SC 388”.

Once, the complete arguments are advanced the parties now proceed to the prayer. Both the counsel stand at their place and read the prayer.

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The prayer generally reads as follows:

<sup>1</sup> It is hereinafter most humbly prayed before this Hon'ble Supreme Court of India that in the light of issues raised, arguments advanced, authorities cited and pleadings made the Hon'ble Court may be pleased to;

- <sup>3</sup> 1. Grant the Special Leave Petition (SLP) under Article 136 of the Constitution of India.
- <sup>2</sup> 2. Respondent should be punishable for the commission of cheating and rape under section 417 and 376 respectively.
3. Any other just and equitable order may be passed in the favor of the appellants.

AND/OR

Pass any other order that it deems fit in the interest of Justice, Equity and Good Conscience.

For This Act of Kindness, the Petitioner Shall Duty Bound Forever Pray.

**Note: Prayer is subject to change as per the requirement of the proposition.**

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