

Reg. No. :

Name :

**Ninth Semester B.A. LL.B./BBA. LL.B/B.Com. LL.B.
(5 YEAR INTEGRATED) Degree Examination, December 2021**

Paper I – PRIVATE INTERNATIONAL LAW

Time : 3 Hours

Max. Marks : 80

PART – I

(Briefly explain **any five** of the following. Each question carries **2** marks. Answer should not exceed **50** words each.)

1. (a) *Doctrine of Lis Alibi Pendens*
- (b) Minor's domicile
- (c) Formal validity of marriages
- (d) Lex Fori
- (e) Recognition of foreign adoption in India
- (f) Essential validity of 'wills'
- (g) Judgement in rem.

(5 × 2 = 10 Marks)

PART – II

(Write explanatory notes on **any four** of the following. Each question carries **4** marks. Answer should not exceed **120** words each.)

2. (a) Exclusion of foreign law on the ground of public policy.
- (b) Single *Renvoi*.
- (c) Proof of foreign law.
- (d) Domicile and Residence of Corporations.
- (e) Choice of law in Maritime Torts.

(4 × 4 = 16 Marks)

PART – III

(Answer **any four** of the following problems. Each question carries **6** marks.)

3. (a) 'A', in Singapore, contracts with 'B' in India to smuggle goods from India. Is the contract enforceable in India? Decide giving reasons.
- (b) 'X', with a New York domicil of origin acquires an Indian domicil. Thereafter, he leaves India on a ship, with a view to acquire a domicil in Australia by settling down there. He dies on board while travelling. What is his domicil at the time of death?
- (c) In a suit before an English court, the defendant had lightly struck the plaintiff in a foreign country the law of which denies a right to damages for a trivial assault though it permits initiation of penal proceedings. Can the plaintiff recover damages in England?
- (d) 'S', the illegitimate son of 'F', an Indian citizen domiciled in Canada, had been legitimated in Canada, by a formal acknowledgement by 'F' in a manner sufficient to satisfy the Canadian law. According to the personal law of 'F', such a form of legitimation is not recognized in India. Examine how, an Indian court would determine the question whether 'S' is or is not the child of 'F' for the purpose of intestate succession.

- (e) The Government of a foreign State passes a order expropriating certain jewelry belonging to 'X' which is at the time of passing the order situated within that State. Later 'X' brings that jewelry to London and there upon the foreign Government institutes a claim in the English Court claiming the jewelry on the basis of the above government order. 'X' contends that the Court has no jurisdiction. Decide.

(4 × 6 = 24 Marks)

PART – IV

(Answer **any three** of the following problems. Each question carries **10** marks.)

4. (a) Critically examine the nature, basis and function of Private International Law. How is Private International Law different from Public International Law?
- (b) Explain the consecutive stages in the trial of a case involving a foreign element. What do you understand by the 'problem of classification' in Private International Law? How does that problem arise? Discuss how the English Courts and Indian Courts deal with it.
- (c) Discuss the rules of Private International Law relating to actions before English and Indian courts in respect of immovable property situated in a foreign country referring to leading cases.
- (d) Examine to what extent and under what provisions foreign judgements and decisions are recognised and enforced in India in comparison with the legal position in England. Is there any recent International Convention on the subject?

(3 × 10 = 30 Marks)