

Reg. No. :

Name :

**Ninth Semester B.A.LL.B./B.Com.LL.B./B.B.A.LL.B. (5 Year Integrated)
Degree Examination, January 2021**

Paper I : PRIVATE INTERNATIONAL LAW

Time : 3 Hours

Max. Marks : 80

PART – I

1. Explain any **five** of the following. Each question carries **2** marks. Answers should not exceed **50** words.
- (a) Territorial theory of Private International Law
 - (b) Action in personam
 - (c) Domicile of origin
 - (d) Waiver of immunity
 - (e) Consular marriages
 - (f) Legitimation
 - (g) Contract contrary to public policy.

(5 × 2 = 10 Marks)

PART – II

2. Answer **any four** of the following. Each question carries **4** marks. Answers should not exceed **120** words.
- (a) Explain local law theory.
 - (b) Elucidate Submission to jurisdiction by contract.
 - (c) Explain characterisation of law as substantial and procedural law.
 - (d) Explain questions of presumptions of law and fact.
 - (e) When is a foreign judgement considered as opposed to public policy?

(4 × 4 = 16 Marks)

PART – III

3. Answer **any four** of the following. Each question carries **6** marks.
- (a) Madhu, born in India and domiciled in India went to Kuwait in 1940 and established his domicile of choice in Kuwait. Later during Gulf war he came back to India and made a will and died in India. State, what is his domicile at time of his death.
 - (b) A went through a ceremony of betrothal with B, his fiancée which he thought was marriage. Can B's father challenge the validity of the function if A claims to have married B. Discuss.
 - (c) 'A' sued 'B' in a French Court for breach of charter party, the proper law of which was English law. The French court rendered decision based on a misinterpretation of the Charter Party clause regarding assessment of damages. 'A' later want to enforce the French decree in English court. Discuss the possible defences.
 - (d) An action was brought under a Scottish contract before English Court. The case was dismissed as filed beyond limitation period even though Scottish law allowed forty years as limitation period. How will you justify the dismissal of action by English court?
 - (e) An Indian domiciled person who attained the age of 18 conveys land situated in London. Indian law permits such a transfer. But English law prescribes the capacity to transfer immovable property on attaining age of 21 only. Decide whether the transfer is valid?

(4 × 6 = 24 Marks)

PART – IV

4. Answer **any three** of the following. Each question carries **10** marks.

- (a) Examine the rules for validity of marriage.
- (b) Explain theories relating to application of law to foreign torts.
- (c) Discuss the essential Requirements for a valid adoption according to English law.
- (d) Discuss assumed jurisdiction of English courts.

(3 × 10 = 30 Marks)
