

Reg. No. :

Name :

Ninth Semester B.A., LL.B./B.B.A., LL.B./B.Com., LL.B. (5 Year Integrated)
Degree Examination, December 2022

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. Answers should not exceed **50** words each.

1. Internal law theory
2. Action *in personam*
3. Domicile of choice
4. *Lex loci delicti commissi*
5. Aerial torts
6. Situs of debts in the Conflict of Laws.
7. Interstate succession to movable properties.

(5 × 2 = 10 Marks)

PART II

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

8. Choice of Law in Tort.
9. Double *Renvoi*.

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10. Legitimacy and legitimation.
11. Measure of damages under Private International Law.
12. Proof of foreign law.

(4 × 4 = 16 Marks)

PART III

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

13. 'X' was injured in a road accident in Malta by the admitted negligence of 'Y'. Both parties were Indians temporarily residing in Malta. Under Maltese law, the plaintiff will be given a right of action to recover the pecuniary loss without compensation for 'pain and suffering', whereas, he can claim both under Indian law. Decide.
14. Can a married woman acquire a domicile separate from that of her husband? Decide with reference to statutory provisions and judicial decisions. Is the Indian legal position same as that in England?
15. A Marriage got solemnised in Nigeria between 'H', aged 25, domiciled in Nigeria and 'W', aged 14, domiciled in Nigeria. The marriage is valid as per Nigerian law, but void as per Indian law. Decide upon the validity of the marriage before an Indian court as per rules of Private International Law.
16. 'A', having his domicile in India, dies in France, leaving movable property in France, movable property in England, and property, both movable and immovable, in India. Which law shall be regulating the succession to his movable and immovable properties?
17. Insurance policies issued by an Indian insurance company in Egypt, but governed by Indian law, became payable. The claim made in India was resisted by the insurance company on the ground of garnishee orders issued by the Egyptian Tax Authorities. Decide.

(4 × 6 = 24 Marks)

PART IV

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

18. "The problem of classification or characterization has been regarded as a fundamental problem in the conflict of laws". Explain. How far the doctrine of *lex fori* meets the problem?
19. Explain the rules for determining the residence, domicile and nationality of corporate entities.
20. "A contract shall be governed by the law chosen by the parties. The choice must be express or demonstrated with reasonable certainty by the terms of the contract or the circumstances of the case". Discuss in detail.
21. What are the conditions for the recognition and enforcement of Foreign Judgments in India? Compare the Indian legal position with the English law on the subject. Refer to recent International Convention on the subject.

(3 × 10 = 30 Marks)