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B – 5091

Reg. No. :

Name :

**Ninth Semester B.A.LL.B. (5 Year Integrated) Degree
Examination, February 2017**

Paper – I : PRIVATE INTERNATIONAL LAW

Time : 3 Hours

Max. Marks : 80

PART – I

Explain **any five** of the following. **Each** question carries **2** marks. Answers should **not** exceed **50** words **each**.

- a. Maritime torts.
- b. Lex fori.
- c. Consular marriage.
- d. What is a matrimonial cause ?
- e. Nullity of marriage.
- f. What is legitimation by parental recognition ?
- g. The Mocambique rule. (5x2=10 Marks)

PART – II

Answer **any four** of the following. **Each** question carries **4** marks. Answer should **not** exceed **120** words.

- a. Explain law relating to succession to movables.
- b. What is the modern English law regarding recognition of foreign divorces ?
- c. State to what extent lex loci celebrations is relevant in questions regarding capacity to marry ?
- d. What is the time factor in deciding the nature of marriage ? Can the nature of marriage change ?
- e. What are the conditions under which foreign law is excluded ? (4x4=16 Marks)

P.T.O.



PART - III

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

- a. A was a gratuitous passenger in B's car. They were both domiciled in New York. The car was registered in New York. Due to the negligent driving of B the car collided and A was injured. It was in the state of Ontario. According to the law of Ontario B had no liability. Explain B's tortious liability applying the proper law of tort.
- b. X and Y domiciled in France, crossed the English Channel and celebrated their marriage in England without obtaining parental consent as required by French law. English law does not require parental consent. The wife later petitioned for a decree of nullity. Decide.
- c. Mr. A, an American citizen shipped certain goods in an American ship to be delivered in England to his son-in-law Mr. B. While the ship was at sea, the U.S. treasury served a notice of levy on the ship owners in respect of taxes unpaid by Mr. A, and ordered the ship owners to surrender the goods shipped by A. When the ship docked in Southampton, England, the consignee Mr. B demanded delivery but the ship owners refused to deliver the goods as the United States Government claimed possession of goods. Mr. B files a suit against the ship owners claiming delivery of goods. Decide.
- d. 'X' was domiciled in England at the time when his son 'Y' was born. During the infancy of 'Y' X acquired a domicil of choice of France. He was having this domicil when 'Y' became a major. Later at the age of 30 'Y' went over to Italy and acquired an Italian domicil of choice. After 20 years of stay in Italy 'Y' left Italy, but died without acquiring any fresh domicil of choice. Where was 'Y' domiciled at the time of his death ?



e. 'X' a man domiciled in England had three children by a woman whom he did not marry. Later he went to Holland with this woman and children and acquired Danish domicil. He had a fourth child by the same woman in Holland. He married the same woman in Holland and afterwards he had a fifth child. Decide whether the children born to this woman could be regarded as legitimate for the purpose of succession. Legitimation by subsequent marriage is recognised by Dutch Law. (4×6=24 Marks)

PART – IV

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

- a. What is domicile ? Explain the different kinds of domicile.
- b. Explain the circumstances where foreign laws are excluded.
- c. State the statutory exceptions to the rule of locus regit actum.
- d. Explain the following :
 - a) Forgo's case.
 - b) Lex Loci delicti commissi.
 - c) Rule in Travers V Holley.

(3×10=30 Marks)