

F 4482

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Reg. No.....

Name.....

**FIVE YEAR B.A., LL.B. (HONS.)/B.B.A., LL.B. (HONS.)/B.Com., LL.B. (HONS.)
DEGREE EXAMINATION, NOVEMBER 2023**

Tenth Semester

F.L. 36—PRIVATE INTERNATIONAL LAW

(2018 Admissions—Regular)

Time : Three Hours

Maximum : 75 Marks

Part A

Write short notes on any five of the following.

Each question carries 3 marks.

1. Classification of cause of action.
2. Proof of foreign law.
3. Domicile of corporations.
4. Maritime torts.
5. Law relating to inter-country adoption.
6. Plea of *lis alibi pendens*.

(5 × 3 = 15 marks)

Part B

Answer any three of the following problems.

Each question carries 10 marks.

7. 'D', who is domiciled in England, decides to settle in Scotland. Without breaking up his English home, he goes to Scotland to look for suitable accommodation. While in Scotland he meets with an accident and dies. Does he get the Scottish domicile at the time of death? Decide.
8. 'A', an Indian company, entered into a contract with a foreign company 'B' for supply of equipment, erection and commissioning of certain works in India. The governing law of contract as per the agreement was the Indian law and Delhi courts had exclusive jurisdiction in matters arising under the contract. The agreement also had the clause for submission of disputes to arbitration and had contractually chosen the ICC, London, for conduct of arbitration. A dispute was submitted to ICC which gave the Award in favour of company 'B'. Company 'A' filed a case in Delhi High Court to

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set aside the Award. The High Court held that the Award was not governed by Indian Law of Arbitration but it was foreign Award. An appeal is filed before the Supreme Court against the order of the High Court. Decide explaining the rules relating to proper law of contract.

9. 'X', a Muslim male domiciled in India, married 'Y', a Christian female domiciled in England. The marriage took place in England. After the marriage they settled down in Mumbai. Three years after the marriage, the husband dissolved the marriage pronouncing *Talaq* according to Muslim Law in India. Examine whether the marriage between 'X' and 'Y' is validly dissolved. Decide applying the relevant rules of Private International Law. Refer to relevant judicial decisions.
10. 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.

(3 × 10 = 30 marks)

Part C

Answer any two of the following questions.

Each question carries 15 marks.

11. Critically examine the nature, basis and functions of Private International Law tracing its origin and development. How is Private International Law different from Public International Law? Comment on the need for unification of Private International Law in the globalized world.
12. What do you understand by the problem of 'Renvoi'? Explain the doctrine of 'Partial Renvoi' and distinguish it from 'Foreign Court Theory'. What are the disadvantages in applying the Foreign Court Theory? Do you think that this theory has been recognized as a general principle by English decisions?
13. Explain the conditions for recognition and enforcement of Foreign Judgments according to English and Indian law on the subject. What are the defences available to the defendant against the enforcement of a Foreign Judgment?

(2 × 15 = 30 marks)