

24803488

(Pages : 2)

Reg. No.....

Name.....

**FIVE YEAR B.A., LL.B. (HONOURS)/B.B.A., LL.B. (HONOURS)/B.Com., LL.B.
(HONOURS) DEGREE EXAMINATION, JUNE 2024**

Tenth Semester

F.L. 36—PRIVATE INTERNATIONAL LAW

(2019 Admissions—Regular/2018 Admissions—Supplementary)

Time : Three Hours

Maximum : 75 Marks

Part A

Write short notes on any five of the following.

Each question carries 3 marks.

1. Hague Conference on Private International Law.
2. The doctrine of 'double renvoi'.
3. Principle of Comity of Courts.
4. Domicile of a married woman.
5. *Forum Non Conveniens*.
6. Theory of Acquired Rights.

(5 × 3 = 15 marks)

Part B

Answer any three of the following problems.

Each question carries 10 marks.

7. An Italian warship collides with an Indian ship in Cochin port. An action for damages was brought against the Italian ship for negligence in India. But the Italian Government contends that the ship is immune from jurisdiction. Decide.
8. '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 ?

Turn over

9. '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.
10. 'X', a Hindu male and 'Y', a Hindu female, went to California, USA, after their marriage solemnized in India. Within a few months, matrimonial fight broke out between them. 'Y' subsequently returned to India. In the meantime, after waiting for 6 months, 'X' filed a suit in California and obtained an ex-parte decree annulling the marriage. Subsequently, 'X' remarried another woman. Upon hearing this, 'Y' files a case for bigamy in the Indian court. Can the decree granted by the US court be recognized by the court in India? Give reasons for your answer.

(3 × 10 = 30 marks)

Part C

Answer any two of the following questions.

Each question carries 15 marks.

11. 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.
12. Define the term 'domicile' and discuss different kinds of domicile. What is the difference between 'domicile' and 'nationality'? How is domicile important in Private International Law? What are the qualitative and quantitative requirements for residence to constitute domicile? How is a fresh domicile obtained?
13. Discuss the English and Indian position regarding choice of law in cases of torts committed in a foreign country. Refer to judicial decisions.

(2 × 15 = 30 marks)