

Name:	
Enrollment Number:	

UNIVERSITY OF PETROLEUM AND ENERGY STUDIES
Online End Semester Examination, December 2020

Course: Private International Law
Programme: BALLB Constitutional/Criminal Laws
Course Code: CLCC4002

Semester: 7
Time: 03 hrs.
Max. Marks: 100

SECTION A

1. Each Question carries 5 Marks
2. Instruction: Word Limit 100-150 words

S. No.	Question	CO
Q1	Explain the Theory of Justice of Private International Law.	1
Q2	Write any 3 significant differences between Public & Private International law	1
Q3	What do you mean by “Primary Ship” & “Secondary Ship”?	2
Q4	Write meanings of the following word: a. Logus Regit Actum b. Lex Loci Delicti Commisi c. Lex Contractus	2
Q5	If Limitation Law in both <i>Lex Loci</i> & <i>Lex Fori</i> were substantive then what would be the effect on institution of suit?	1
Q6	What is the provision in CPC regarding “suit by an Alien”?	3

SECTION B

1. Each Question carries 10 marks
2. Word Limit 250-300 words

Q7	“The gist of this theory is that the court recognizes and enforces a local right that is one created by its own law” Which theory is being referred to here? Explain the theory	3
Q8	Describe the steps of Double Renvoi with the help of illustrations and case laws.	2
Q9	“Domicile of origin is neither extinguished nor lost permanently.” Justify the statement with the help of adequate references.	2
Q10	Explain Choice of Law in Torts.	3
Q11	Explain the provisions regarding jurisdiction of Indian Courts in cases related to immovable property & movable property.	4

SECTION C

- 1. Each Question carries 20 marks.**
- 2. Word Limit 450-550 words.**

Q12

Dimple Ahuja, 17, a citizen of Spain got married to Rishi Singh Shekhawat, 18, a citizen & domicile of India. Their marriage was solemnized in a Cruise Ship afloat at the North Atlantic Ocean. The Ship had the flag of Portugal but it was in the territorial waters of England. The marriage took place in the evening in presence of some friends by mutually exchanging vows. They settled in London thereafter.

In Spain the valid age of marriage is 18 years old for both boy & girl & in India it is 21 for the boy and 18 for the girl. The marriage law of Portugal states that a marriage between a girl & boy above 16 years is valid even if the parties did not have capacity to get married provided it is conducted beyond daylight. While the British law prescribes that 17 years as the age of marriage for both the gender and that a marriage is valid only if conducted in a church in presence of a priest or any religious officer.

10 years later Dimple suspected Rishi of adultery with one of their mutual friend and filed a divorce in India where Rishi was working as a freelancer in Bollywood.

- a. Does the Indian Court have jurisdiction to entertain the case? If yes then under what provision. (8)
- b. Explain characterization & incidental question and apply them in the current case to decide the viability of the divorce. (12)

4