


| Name: | |  | |
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| Enrolment No: | | | |
| UNIVERSITY OF PETROLEUM AND ENERGY STUDIES End Semester Examination, December 2022 | | | |
| Course: Private International Law Semester: Program: BTECH LLB Course Code: CLCC5005 | | Time : 03 hrs. Max. Marks: 100 | |
| Instructions: | | | |
| SECTION A (5Qx2M=10Marks) | | | |
| S. No. | | Marks | CO |
| Q 1 | What is <i>lex situs & lex patriae</i> ? | 2 | CO1 |
| Q 2 | What are general exclusions in Private International Law. | 2 | CO1 |
| Q 3 | Define Domicile of Origin. | 2 | CO1 |
| Q 4 | What are conflict of law rules regarding movable and immovable property under Common Law system. | 2 | CO1 |
| Q 5 | Define "Forum Non Conveniences" | 2 | CO1 |
| SECTION B (4Qx5M= 20 Marks) | | | |
| Q 6 | Discuss the rules of Foreign adoption under Common Law System, | 5 | CO2 |
| Q 7 | Describe the Choice of Law in Tort. | 5 | CO2 |
| Q 8 | What are the traditional rules of Jurisdiction in Private International Law? Discuss in the light of Civil Procedure Code, 1908. | 5 | CO2 |
| Q 9 | "A body of customary and conventional rules developed in the family of nations which ought to be applied by the municipal courts to solve the problem of Conflict of Law." Comment on the statement describing the relevant theory. | 5 | CO2 |
| SECTION-C (2Qx10M=20 Marks) | | | |
| Q 10 | What do you understand by the term "Renvoi"? Explain the types of Renvoi. | 10 | CO3 |

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| Q 11 | Whether foreign judgements can be recognized and enforced under Indian Legal system. Substantiate your answer with statutory examples. | 10 | CO3 |
| SECTION-D (2Qx25M=50 Marks) | | | |
| Q 12 | <p>John and Rose got married in England in 2000. Catherine inherited a piece of land in France through her aunt in 2010; which she decides to sell to raise awareness for polar bears in 2012. During the negotiation of the contract for property, both of them move to France. While the contract is being signed, Rose falls in love with Barry, who is her partner at the NGO for polar bears and decides to leave John. The divorce petition is filed by Rose in France immediately. John decides to avenge his humiliation by filing a case against Barry in England for fraud and pleads the court to invalidate the contract.</p> <p>Assumptions:</p> <ol style="list-style-type: none"> 1. The contract in this question is a sale deed for the property inherited by Rose. 2. Property laws are applicable as necessary 3. Choice of Court and Law clause: <i>“This agreement shall be governed by and construed in accordance with English law and the parties hereby submit to the non- exclusive jurisdiction of the English Courts (without reference to English Conflict of law rules).”</i> 4. Assume law of England as: <ol style="list-style-type: none"> 4.1 In all matters concerning contracts it is choice of party. 4.2 In all matters concerning divorce, the governing law is that of domicile. 5. Assume law of France as: <ol style="list-style-type: none"> 5.1 In all matters concerning contracts it is law of place of signing contracts. <p>In all matters concerning divorce, the governing law is that of place of marriage.</p> <p>According to these facts and assumptions, answer following questions:</p> | 25 | CO4 |

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| | <ul style="list-style-type: none"> • What is the domicile of John? How do you determine domicile? How is domicile different from habitual residence? Can the court of England refuse jurisdiction to decide the contract case? Justify. • What are the factors that need to be considered before drafting a jurisdiction and choice of law clause? | | |
| Q 13 | <p>Soni Moni, 17, a citizen of Spain got married to Sandy Khurana, 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.</p> <p>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.</p> <p>10 years later Soni suspected Sandy of adultery with one of their mutual friend and filed a divorce in India where Sandy was working as a freelancer in Tollywood.</p> <p>a. Does the Indian Court have jurisdiction to entertain the case? If yes then under what provision. (8)</p> <p>Explain characterization & incidental question and apply them in the current case to decide the viability of the divorce. (12)</p> | 25 | CO4 |