

CONFLICT OF LAWS

Time: 3 Hours

Maximum Marks: 50

ANSWER ANY 5 QUESTIONS. ALL QUESTIONS CARRY 10 MARKS.(5*10=50)

1. (a) Write short notes with the help of case laws on
 - (i) Domicile of Dependents
 - (ii) “By domicile we mean home...permanent home”. Comment
2. A, belonged to a particular Polish community, whereby he could have more than one wife. A got married to B in Poland. Both A and B were Polish-domiciled persons at the time of marriage. A later got a job in Denmark and permanently moved to the said country. After a period of 5 years in Denmark A got married again to C. After the marriage, C got to know that he was previously married, and filed a case before the Dutch Court for decree of nullity of the second marriage as it was bigamous. Dutch law only recognizes monogamous marriages. Look into the validity of both marriages sitting as the Dutch Court.
3. X was born in Scotland. At the age of 5, he went to France and lived there until he was an adult. After the age of 18, he went to the US and settled there, and lived there for the rest of his life. He died at the age of 59 years. He had ancestral property in Scotland and France. He had a huge estate in the USA. He always considered to be a Glasgow man, and wanted to return upon retirement. But he never set foot on the soil after his 5 years of age. He did not even go to his grandparent's funeral. Answer the following questions
 - (1) Differentiate between domicile of origin and domicile of choice
 - (2) What is X's domicile?
4. Y an English domiciled merchant, entered into a charter party contract with an Italian domiciled ship owner for the transport of goods by sea from England to Italy. The freight and demurrage charges were in Italian currency. As per the laws of Italy, it was necessary to appoint a compulsory pilot for navigation of the ship. And negligence of the compulsory pilot will be attributed to the shipowner as well. As per the English law there was no such mandate. A compulsory pilot was appointed and he was negligent. The breach happened in the English territorial water. The claim for damages were brought by Y before the English Court. Draw contentions for each side, and decide as the English court.
5. *The Doctrine of double renvoi or the foreign court theory is objectionable in principle, is based upon unconvincing authority and cannot be said to represent the general rule of English Law.” (Cheshire). Discuss*
6. Write short notes on
 - (i) the rule of double actionability in torts
 - (ii) *Lex Loci Delicti* in Tort

(P.T.O)

7. write short notes on
 - (i) *Mocambique rule* (transfer of immovable property)
 - (ii) *Penn v Baltimore*

8. Discuss the rules of Private International Law for essential validity and formal validity of marriage. Refer to decided cases.
