

DECEMBER 2020

Conflict of Laws

Duration: 10.00am - 1.45 pm

Maximum Marks: 50

Answer All questions. Each question carry Ten marks (5*10 =50 Marks)

1. (a) Chesire has rightly pointed out that “*Private International Law as found is almost entirely as the result of judicial decisions*”. What is Characterization or Classification in Private International Law. Comment

OR

- (b) Write Short notes, with examples/ Case laws on the following

(i) W was born in USA. After living there for 23 years he went to Russia to take up a job there. He married a British Subject and never went back to the USA thereafter. On medical advice he started spending the winters in England, where he took two houses on lease. It was the routine of his life that he spent a few months in England and Scotland and the remaining months in Germany and Russia every year. He spend the last 5 years of his life entirely in England. What is his domicile at the time of death?

(ii) Doctrine of Single Renvoi and Double Renvoi

2. (a) How is foreign law proved in cases involving a foreign element? Explain with case laws

OR

(b) write short notes on

- (i) conflict of law rules in establishing jurisdiction of courts
(ii) Doctrine of Sovereign Immunity

3. (a) briefly explain the different theories for the choice of the law in tort. Examine with the help of case laws which of these theories are recognized by English private international law.

OR

(b) “*The problem of ascertaining the Lex causae is more perplexing in the case of contracts than in almost any other topic.*”(Cheshire). Examine the statement with case laws.

4. (a) Write short notes on

- (i) Validity of polygamous marriages and potentially polygamous marriages
(ii) Legitimacy and legitimation

OR

(b) X domiciled in France married Y domiciled in England. The marriage was celebrated in England. Subsequently X instituted a suit in an English Court for the annulment of the marriage on the ground that according to the French law consent of his parents was essential

for the marriage and that he married without obtaining the consent. According to English law, no such parental consent was necessary for a valid marriage. Decide whether the marriage is valid.

5. (a) Examine the *Mocambique* Rule and the exceptions drawn out to this in the subsequent cases relating to Jurisdiction of Courts with respect to immovable property

OR

- (b) Examine the various theories relating to transfer of movable property in private international law