

UPES

End Semester Examination, May 2023

Course: Private International Law

Program: BA. LLB., (Hons.) & BBA. LLB., (Hons.)

Course Code: CLCC 4002P

Semester: VIII

Time : 03 hrs.

Max. Marks: 100

Instructions:

SECTION A
(5Qx2M=10Marks)

S. No.		Marks	CO
Q 1	What is meant by ' <i>Coram Non Judice</i> ', with illustrations?	2	CO1
Q 2	Name a case in which 'the question of Succession' and 'a question of Matrimonial Rights' discussed.	2	CO1
Q 3	Explain <i>Lex Celebrationis</i> with case laws.	2	CO1
Q 4	What is mean by the Mutual Disclaimer Theory and who are the major proponents of this theory?	2	CO1
Q 5	Discuss the difference between Public International Law and Private International Law.	2	CO1

SECTION B
(4Qx5M= 20 Marks)

Q 1	What is mean by ' <i>Depechage</i> ', discuss with case laws.	5	CO2
Q 2	Discuss reasons for the growth of Private International Law.	5	CO2
Q 3	Analyze the case of O'Keefe (1940)	5	CO2
Q 4	'Foreign judgement is not conclusive' explain the statement through section 13 of the Civil Procedure Code, 1908	5	CO2

SECTION-C
(2Qx10M=20 Marks)

Q 1	Discuss the types of ' <i>Renvoi</i> ', with relevant case laws.	10	CO3
Q 2	Examine the issue of Recognition and Enforcement of Foreign Judgement with relevant provisions under Civil Procedure Code, 1908.	10	CO3

SECTION-D
(2Qx25M=50 Marks)

Q 1	'A' is a resident of Surat working in an MNC since past 7days. Having original domicile of New York, she is a National of Sri Lanka. She enters into a contract with 'B', who is a resident of Delhi having domicile over there and the nationality of India by birth. The contract was with regard to surrogacy. A & Z are the couple, and 'B' is the legitimate surrogate mother in an oral agreement. After the birth of child, 'B' is denying custody of the child and alleges absence of any such contract.	25	CO4
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	<p>A. Considering the above facts, decide the case as per <i>Lex Domicilii</i> and <i>Lex Patriae</i>.</p> <p>B. Whether Nationality of the Child will be a question in the case or not? Clarify with relevant case laws.</p>		
Q 2	<p>A, an English man who lives in France got married to a French Woman in France. They are having the movable property in both countries, France and England, but their residential immovable property is situated in England. While returning from England to France both husband and wife met with an accident and died intestate (without writing any Will). Their relatives in England and France filed a suit for property in England under English law and other relatives file a suit for property in France before the French Court. Based on this fact and connecting factors, examine:</p> <ul style="list-style-type: none"> - Where does the Cause of Action arise? - Which relatives are entitled to get the property? - Which court would have jurisdiction to resolve the issue? 	25	CO4