

Roll No: -----



UNIVERSITY OF PETROLEUM AND ENERGY STUDIES

End Semester Examination, December 2017

Program: BA LLB (Hons) Energy Law
Subject (Course): Private International Law
Course Code : LLBL 433
No. of page/s: 2

Semester – VII
Max. Marks : 100
Duration : 3 Hrs

There will be penalty for not following word limit instructions.

Section A [2x5=10]

[Do not write more than 50 words for each answer]

1. What is proper law of the contract?
2. Define habitual residence.
3. What is the difference formal validity and essential validity?
4. What is the difference between right *in rem* and right *in personam*?
5. What is express choice of law?

Section B [2x10=20]

[Do not write more than 100 words for each answer]

6. What do you understand by local law theory?
7. What are the various sources of Private International Law?

Section C [2x10=20]

[Do not write more than 250 words for each answer]

8. What is the difference between ‘implied choice of law’ and ‘no choice of law’? Explain with help of case laws.
9. Why does a country recognize a judgement of another state? Explain the jurisprudence behind it.

Section D

Abba owns a piece of land in Spain. Bane agrees to buy it. During the negotiation of the contract, they are domiciled in England and Portugal respectively. They agree to conclude the contract on land, in Spain for sentimental reasons. While the contract is being signed, Abba's wife Mambo falls in love with Bane and decides to leave her first husband. The divorce petition is filed by Mambo in Spain immediately. Abba sues Bane in England for fraud and pleads the court to invalidate the contract. According to these facts, answer following questions:

10. What is the domicile of Mambo? How do you determine domicile? How is domicile difference from habitual residence? [5+5] [Word limit: 100+100 words]
11. What is the proper law of the contract in this case? How is proper law of contract different in English law from Rome I regulation? [10][Word limit: 200 words]
12. Can the court of Spain refuse jurisdiction? Justify. [10] [Word limit: 200 words]
13. Does the court in England have jurisdiction? Justify. [10] [Word limit: 200 words]
14. Draft an exclusive choice of court clause, so that a problem like above does not arise for Bane. [5]
15. What are the factors that need to be taken into account before drafting a jurisdiction and choice of law clause? [5] [Word limit: 100 words]

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Section A [2x5=10]

[Do not write more than 50 words for each answer]

1. What is proper law of the tort?
2. What is the difference between domicile and residence?
3. What are connecting factors?
4. What is the difference between section 13 and 44A of CPC?
5. What is express choice of court?

Section B [2x10=20]

[Do not write more than 100 words for each answer]

6. What do you understand by vested rights theory?
7. How are Public and Private International Law different?

Section C[2x10=20]

[Do not write more than 150 words for each answer]

8. How does public policy influence enforcement of a foreign judgment?
9. What are the problems faced by the court when characterizing a mix issue of property, contract and torts?

Section D

Abba marries Bane in India according to Hindu laws. After marriage he move to the United States and decides to divorce Bane, while she is still in India at her in-laws house. After the divorce decree, Abba announces his decision and tells his parents to kick Bane out. Meanwhile he marries Jane in US and has a kid with her. Bane approaches the Indian courts to question validity of the second marriage and her divorce. According to these facts, answer following questions:

10. What is the domicile of the wife? Justify. What are the requirements to determine domicile? [5+5] [Word limit: 100+100 words]
11. What is the proper law to determine validity of the marriage? [10] [Word limit: 200 words]
12. Which court has the proper jurisdiction in this case? Justify. [10] [Word limit: 200 words]
13. What is the Indian law to recognize foreign divorce decrees? [10] [Word limit: 200 words]
14. What are dual domicile doctrine and Intended Matrimonial Home doctrine? [5+5] [Word limit: 100+100 words]