

# Printout

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**GUJARAT NATIONAL LAW UNIVERSITY  
GANDHINAGAR**

**Course: Private International Law  
Semester-II (Batch: 2013-14)**

**End Term LL.M. Examination: May-June 2014**

**Date: 28<sup>th</sup> May, 2014**

**Duration: 3 hours**

**Max. Marks: 70**

**Instructions:**

- Read the questions properly and write the answers in the given answer book.
- The respective marks for each question are indicated in-line.
- Do not write any thing on the question paper.
- Indicate correct question numbers in front of the answers.
- No questions or clarifications can be sought during the exam period, answer as it is, giving reason, if any.

**Part – A**

**Answer any four Questions**

**Marks  
(4x12  
=48)**

- Q.1 Consider the diagram given below and answer the following questions in the light of private international law principles relating to *Renvoi*.

<b>Law of the Forum (<i>Lex Fori</i>)</b>	
<b>E1</b>	<b>F1</b>
<b>E2</b>	<b>F2</b>

- (a) Explain Single and Double *Renvoi*.
- (b) If the petition submitted before the *Lex Fori* stops with E1 with no connection to E2, what kind of legal situation is that? State reasons.
- (c) Can F2 redirect the judge of the *Lex Fori* to F1 / E2 in two different situations? Explain.
- Q.2 Discuss the legal implications of Foreign Companies in private international company law. Explain this with reference to the Indian context.
- Q.3 (a) What is the problem for a commercial agreement in an international sphere to accept *Renvoi*?
- (b) What are the ways to assess the intention of the parties in a foreign contract? Explain the theories involved with case-laws.
- Q.4 Consider the facts given below and answer the following questions in the light of the principles of private international law. State reasons. (2x5=10)
- (a) X and Y: Husband and Wife, Marriage: Gujarat [India], *Lex Loci Celebrationis*: Hindu Customs. X and Y travelled to country A: Intended Matrimonial Home, X and Y: Employed in the 'Royal Postal Services' in the Government of country A.
- (b) Baby for X and Y to be delivered in the month of December, 2014, Pregnancy Complications in 5th month: Royal Medical Service of the Government of country A transferred the patient to country B for advanced and super-specialty medical treatment as requested by the couples. Baby subsequently born in Country B. Couple liked the Country B and wanted to live there and bring up their child and raise family in the new country. Parents resigned duly from the job of 'Royal Postal Service' from country A and subsequently acquired a new job in country B.

As private international law attorney guide the couples with the following legal formalities and stages.

- (i) What should the couple do to acquire their new matrimonial domicile in country B? Has the matrimonial domicile change for the parents with the birth of a new member in the family in a foreign country? Explain the process with illustrations of legal systems of country A and country B.
  - (ii) What is the 'domicile of birth' for the new born child? Where should the child acquire the birth certificate?
- Q.5 Explain the following in the light of private international law principles:
- a) *Lex situs*
  - b) *Lex monetae*
  - c) *Lex Loci Solutionis*
  - d) *Lex Loci Propositus*
- Q.6 Define the term Characterization and explain the stages involved in its process.

**Part – B**

(3x4=  
12)

**Write Short notes on any 3 of the following:**

- Q.7 Nature of Foreign Torts in Private International Law
- Q.8 Public Policy in Private International Law
- Q.9 Distinguish between Domicile of Origin and Domicile of Choice.
- Q.10 Discuss the relevance of Hague Conventions in Private International Law.
- Q.11 a) *Lex Loci Celebrationis* and formal validity of the marriage.  
b) *Lex Domicile* as capacity to marry.