

Time: Three Hours

Instructions:

1. This question paper contains six questions. You are required to answer any FIVE.
2. Students must start each answer by clearly identifying to which question they are responding.
3. You must follow the Examination Protocol.

Q.1). A man abandoned his home in State X and took his family to a house in State Y about half a mile from X, intending to live there permanently. Having deposited his belongings there, he and his family returned to X, in order to spend the night with a relative. He fell ill and died there. Where was he domiciled at the time of his death? Cite relevant case laws.

(Marks 20)

Q.2). An Indian company entered into a contract with a foreign company 'B' for supply of equipment, erection and commissioning of certain works in India. The governing law of contract as per the agreement was the Indian law and Delhi courts had exclusive jurisdiction in matters arising under the contract. The agreement also had the clause for submission of disputes to arbitration and had contractually chosen the ICC, London for conduct of arbitration. A dispute was submitted to ICC, which gave the award in favour of 'B'. A case was filed before the Delhi High Court to set aside the award. The High Court held that the Indian Law of Arbitration does not govern the award but it is foreign award. This was appealed to the Supreme Court. Decide referring to judicial decisions. Discuss the rules relating to proper law of contract under English and Indian law.

(Marks 20)

Q.3). Husband and wife both Jews, were domiciled in Hungary and decided to immigrate to Israel. While en route to Israel they were divorced by a Jewish *ghet* in Italy. This divorce was not recognized by the law of Hungary but was recognized by the law of Israel. They acquired a domicile in Israel, and the wife so domiciled went through a ceremony of marriage in Toronto with a second husband, who subsequently petitioned the Ontario court for a decree of nullity on the ground that the ceremony was bigamous. What is the incidental question here and discuss the conditions to be satisfied for a true incidental question. Cite relevant case laws.

(Marks 20)

Q.4). Discuss the determination of choice of law in a Tort claim involving foreign element/s.

(Marks 20)

Q.5). Discuss the significance of classification of the cause of action and classification of a rule of law in a conflict of laws claim.

(Marks 20)

Q.6). Discuss the circumstances in which the law of the forum must be preferred to the foreign law that would normally be applicable to the case. Cite relevant case laws.

(Marks 20)