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**MARTIC NO.: 16/LAW01/040**

**CONFLICT OF LAW ASSIGNMENT**

**QUESTION**

1. Explain the term "limping marriage". Identify the ways, at common law, by which the incidence of limping marriage have been reduced.

2. Explain succintly, Mutation or Conversion of Marriage in Conflict of Laws.

**ANSWERS**

***NO.1***

Limping marriages refers to the marital status of people considered as married under the law of one state or country, while under the law of another state such marriage is unrecognized, considered inexistent and not binding. In the case of ***Padolechia v Padolechiathe***, husband was domiciled and married in Italy in 1943 but subsequently obtained a divorce in Mexico and contracted another marriage in England. In a petition to annul the marriage on the ground that the first marriage was valid and subsisting, the court up held the submission in situations where it will be unjust and inappropriate for the decree to be binding extra territorially, a limping marriage will be created. In the case of ***Kendall v Kendall***, The husband lawyers deceived the wife into applying for a divorce which she was not desirous of obtaining. The processes were filed in a language she did not understand. The recognition was withheld in England on grounds of public policy.

To reduce the incidence of limping marriages, it is necessary to establish cognizable universally acceptable standards regulating recognition of decrees granted pursuant to the Matrimonial Causes Act instead of the present situation which leaves parties to a marriage contract to the whims of each nation state and the uncertainty that is foisted on parties extra territorially.

***N0.2***

**Mutation of marriage**

English courts have adopted the principal of mutation as a general rule, which provides that the court will not grant matrimonial relief in polygamous and potentially polygamous unions. In the two cases cited of ***Ali v. Ali*** and ***Parkasho v. Singh,*** there is strong persuasive authority for the view that such a change can be brought about by a change in the husband's domicile and by legislation changing the law of the country where the marriage was celebrated. Whether or not a marriage is deemed polygamous it’s determined by the law of the place where the marriage was celebrated. In recent years it has been conceded that the character of a marriage may be changed from polygamous to monogamous. In cases where such a mutation was recognized as in ***Cheni v. Cheni*** the change was in accordance with the law of the place of celebration itself.