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**LIMPING MARRIAGE**

Taking an examination on Limping marriage, you would firstly observe that it is a situation where a foreign decree is not being recognised by the forum so a party cannot validly contract another marriage. If a party goes ahead to contract another marriage, the first marriage is viewed as subsisting and neither party has capacity to contract another marriage. The issue of recognition of foreign decree is closely related to that of capacity to marry.

The case of Padolechia V. Padolechia illustrates further where the husband was domiciled in Italy and got married in 1943 but later obtained a divorce in Mexico. The decree was not recognised in Italy. He however proceeded to contract another marriage in England. He later petitioned for a nullity decree with regards to the second marriage on the grounds that he was still married to his first wife since the Mexican decree was not recognised by the law of his domicile. The court held that he lacked capacity to contract the second marriage since his first marriage was still subsisting.

However, a limping marriage cold be simply described as a situation where a domestic court does not recognise the decree of annulment or dissolution, whereas it is recognised in a foreign country where the decree was obtained. This situation is what constitutes what is termed as a “limping marriage.” This legal issue has been classified as “the scandal which arises when a man and a woman are held to be man and wife in one country and strangers in another.”

There were however measures put in place by the common law to curb the incident otherwise known as “limping marriage”. There were some steps put in place to reduce the incidence of limping marriage.

The case of Indyka V. Indyka gave birth to one of these measures employed by the common law, where the House of Lords came up with the test of “real and substantial connection”. Thus, for a foreign decree to be recognised, the parties were only required to show a “real and substantial connection” with the foreign country in question and the strict rules on domicile were relaxed.

**MUTATION OR CONVERSION OF MARRIAGE IN CONFLICT OF LAWS**

As a general rule, the English court will not grant matrimonial relief in polygamous and potentially polygamous unions as seen in the case of Parkasho V. Singh.

This is usually by the change of domicile as seen in Cheni V. Cheni where it was noted that the law determines whether or not a marriage will be deemed polygamous where the marriage was celebrated. Also, there are instances where the character of a marriage may be changed from polygamous to monogamous. All these are cases 0f mutation or conversion of marriages.

The recent decision of the divisional court in Parkasho V. Singh constitutes another milestone in the détente from the Hyde V. Hyde rule that an actually or potential polygamous union cannot form subject matter of a claim for matrimonial relief before an English court.

The parties in Parkasho V. Singh were Sikhs of Indian origin who had gone through a ceremony of marriage in 1942 in conformity with Sikh rites. The Indian marriage would have been recognised by Indian courts as valid, but potentially polygamous, union.

A marriage which is potentially polygamous (but not one which is actually polygamous) may be converted into a monogamous marriage after its celebration. This can occur where; if some events take place which, according to the Lex Loci Celebrationis, converts the marriage to a monogamous one. This is seen in the case of Cheni V. Cheni [1965] P.65. Also, the Lex Loci Celebrationis may be changed so as to prohibit polygamy. An instance is the Hindu Marriage Act which made Hindu marriages in India monogamous from 1955 onwards. However, it was held in the case of Ali V. Ali [1966] 2 WLR 620 that if the parties acquire a domicile in a monogamous country, their marriage is thereby converted into a monogamous one.