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COURSE TITLE: CONFLICT OF LAWS.

COURSE TITLE: LPI 402

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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 succinctly, Mutation or Conversion of Marriage in Conflict of Laws.

ANSWER:

Limping Marriage , involves when a person is regarded as married by one country and as single by another.

The issue of recognition of foreign decrees is closely related to that of capacity to the Capacity to marry. This is because where a foreign decree has been recognized in the forum, a party can validly contract another marriage there. On the other hand , where the decree has not been recognized, the marriage is viewed as subsisting and neither parties has capacity to contract another marriage in that country. In Padolecchia v. Padolechhia . The husband was domiciled in Italy, he got married there in 1943, but later obtained a divorce in Mexico. This decree was not recognized in Italy, he however proceeded to contract another marriage in England. He later petitioned for a nullity decree with regards to his second marriage on the grounds that he was still married to his first wife since the Mexican decree was not recognized 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.

A situation where the Nigerian court does not recognize the decree of annulment or dissolution, whereas it is recognized in the foreign country where it was granted, creates what could be seen as “Limping Marriage ”. This phenomenon has however been described 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”.

At Common law in order to deal with the incidence of Limping marriage, the House of Lords, in Indyka v. Indyka , came up with the test of “ Real and Substantial connection ” thus for a foreign decree to be recognized the parties were only required to show “ Real and Substantial connection” with the foreign country in question and the strict rules on domicile were relaxed.

It is noteworthy to state that Legislators,Law reformers and Judges are at one in considering Limping marriage as an unfortunate result of the law of Conflict of laws. That spouses should be married in one country and single in another is thus a consequence of the imperfections inherent in our present system of Private International laws.



**Marital conversion** is [religious conversion](https://en.m.wikipedia.org/wiki/Religious_conversion) upon [marriage](https://en.m.wikipedia.org/wiki/Marriage), either as a conciliatory act, or a mandated requirement according to a particular religious belief.[[1]](https://en.m.wikipedia.org/wiki/Marital_conversion#cite_note-1) [Endogamous](https://en.m.wikipedia.org/wiki/Endogamy) religious cultures may have certain opposition to [interfaith marriage](https://en.m.wikipedia.org/wiki/Interfaith_marriage) and [ethnic assimilation](https://en.m.wikipedia.org/wiki/Ethnic_assimilation), and may assert [prohibitions](https://en.m.wikipedia.org/wiki/Apostasy) against the conversion ("marrying out") of one their own claimed adherents. Conversely, they may require the marital conversion of those who wish to marry one of their adherents. “conversion marriages”: religious conversions enacted by an individual of one religion in conjunction with their marriage to someone of another. Stories of conversion marriages like this made delicious newspaper gossip, but in other cases, due to longstanding, historical [anxieties about inter-religious conversion in India](https://global.oup.com/academic/product/religious-conversion-in-india-9780195689044?lang=en&cc=in), other tales of conversion marriages have incited more sensationalist, inflammatory speculations.