INTERNATIONAL SEMINAR
on
“Beneficial Interests in Co-habitation Disputes”
and
‘Law of Contracts: The UK Experience’

Attendees Include
Academicians, Advocates, Researchers and Students in the field of Law

March 22, 2012
Auditorium, Symbiosis Law School, Sector- 62, Block- A, Plot No- 4748, Noida- 201301

ORGANIZED BY SYMBIOSIS LAW SCHOOL, NOIDA
in association with University of Bangor, United Kingdom
INTERNATIONAL SEMINAR REPORT

‘LAW OF CONTRACTS: THE UK EXPERIENCE’

AND

‘BENEFICIAL INTERESTS IN CO-HABITATION DISPUTES’

ORGANIZED BY

SYMBIOSIS LAW SCHOOL, NOIDA.

IN ASSOCIATION WITH

UNIVERSITY OF BANGOR, UNITED KINGDOM.

DATE: THURSDAY, MARCH 22, 2012

VENUE: SYMBIOSIS LAW SCHOOL, NOIDA
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SESSION 1: ‘LAW OF CONTRACTS: THE UK EXPERIENCE’

SPEAKER: Mr. J. Gwilym Owen, lecturer in law at Bangor University, BANGOR

Session hosted by Dr. Mohd. Salim, Associate Professor, SLS, NOIDA

SESSION 2: ‘BENEFICIAL INTERESTS IN CO-HABITATION DISPUTES’

SPEAKER: Dr Osian Rees, Lecturer in Law Bangor University, BANGOR.

Session hosted by Prof. Vikram Singh, Assistant Professor, SLS, NOIDA

4. VOTE OF THANKS

Prof. Ashok Wadje, Assistant Professor, SLS, NOIDA
INTRODUCTION

The Seminar addressed a variety of Legal concerns. The subjects of discussion covered issues within the context of the Law of Contracts and Family Law.

Any breach of contract invariably leads to the question of damages. The only guidance law can give in the case of a breach of contract is to lay down the general principles that do not provide sufficient assistance in dealing with particular cases. The amount of damages recoverable is governed by the extent of actual damage ascertained as a consequence of the defendants act. Conflict however arises, with regard to the decision as to whether the plaintiff can claim pre contract expenditure. The main theme of the seminar discussion would be to highlight the grey areas in the law of contract with special reference to the UK experience.

Cohabitation, Consortium and Consumption of marriage are the very essence of the Institution of marriage in Family Law. Problems arise with regard to deciding the matrimonial home, use and enjoyment of personal freedoms. The Seminar discussion shall look at the disputes with regard to co-habitation in the UK Scenario.
Guided by a mission to create innovative knowledge, expand limits of human understanding, and contribute towards creating a range of societal benefits, SLS-NOIDA in collaboration with the School of Law, Bangor University, United Kingdom recently organized another International Seminar on ‘Law of Contracts: The UK Experience’ and the ‘Beneficial Interests in Co-habitation Disputes’, on March 22, 2012. The seminar was an opportunity to facilitate & share experiences of leading Academicians, Advocates and Researchers on the current issues in the field of Contract Law and Family Disputes in The afore mentioned issues were discussed by the eminent speakers with-in the context of practical issues in the United Kingdom and India. Eminent speakers at the Seminar included Mr. J. Gwilym Owen, lecturer in law at Bangor University, BANGOR and Dr Osian Rees, Lecturer in Law Bangor University, BANGOR.

Mr. J. Gwilym Owen is a full time lecturer in law at Bangor University, specializing in property law, and a non-practicing consultant with Gamlins, a large regional firm of Solicitors.
Dr. Osian Rees, Lecturer in Law Bangor University, BANGOR, has been awarded a number of Examination Prizes, including the Sir Samuel Evans Prize for best law finals within the University of Wales (joint award); the Sweet & Maxwell Law Prize for highest overall average in final examinations; the Calcott Pryce Finals Prize for excellence in the honours examinations; the Jane Morgan Prize for best achievement in a socio-legal field; and a number of Calcott Pryce Subject Prizes.

PARTICIPATION

A short half day event, the seminar was enthusiastically attended by students and members of faculty Symbiosis Law School, NOIDA in large numbers.
The program began by honoring the distinguished guests with presentation of mementoes and fresh flowers. Prof. Mohd. Salim, Associate Professor, SLS, NOIDA invited the Director Dr. C.J. Rawandale to the dais, to address the gathering.

Dr. Rawandale, expressed heartiest gratitude to the guests from BANGOR University, UK for taking their time to address staff and students at SYMBIOSIS LAW SCHOOL, NOIDA. In his welcome address the director stressed on the importance of law schools catering to change in society and also the demands that need a response from the law probationers and students. A Symbiosis International University video was played as the audience settled down and thereafter the formal sessions followed as per program.
The initial session was hosted by Dr. Mohd. Salim, Associate Professor, SLS, NOIDA. As the session began Dr. Salim highlighted the indispensability, in the era of globalization to learn the finer details of differences between Indian laws with the laws of other states especially in the field of common law as it lays the foundation of the Indian legal system. The Indian Contract Act, 1872 he said is one such example before handing over the stage to Mr. Owen.

Mr. J Gwilyn Owen spoke about the common Law of Contract as applicable in England. He discussed
remedies for the breach of contract under the headings of expectation loss, reliance loss and restitutionary damages. Noting that the measure for restitution is primarily concerned with the defendant’s gain, which can be at the claimant’s expense, he also discussed the limitations with regard to the right to receive compensation for loss.

Dr. Mohd. Salim discussed the Indian scenario saying that the Indian Contract Act, 1872 codified the principles of common law of remedies for breach of contract into provisions namely the Liquidated Damages, Actual Damages, Indirect Damages and thereafter discussed mitigation of these damages.

Dr. Salim summarized that the Claims of damages in breach of contract in India are more specific and certain than in common laws of England. Although in principle the line of award is the same in both the legal systems.

The first session was thereafter declared closed for the second one to begin after a break.
The second session began with Prof. Vikram Singh, Assistant Professor, SLS, NOIDA extending his greetings to all the dignitaries and the SLS family. He introduced the session chair Dr. Osian Rees, Lecturer in Law, Bangor University, BANGOR, U.K. Thereafter, Prof. Vikram briefly acquainted the audience with the subject of Cohabitation Disputes. He called it a subject of emerging concern. Research in the domain of Family Laws in India and U.K was outlined before inviting Dr. Rees to preside over the session.
In his engrossing and pithy lecture Dr. Osian Rees, described various aspects of Cohabitation Law. He said “Cohabitation usually relates to an unmarried couple, either straight or gay, living together as partners without entering into a marriage or civil partnership. However, he subjectively stated that his core issues would be related to non-marrying heterogeneous couples only.

English and Welsh law draws a sharp distinction between those in a marriage or civil partnership, and those out of it. He discussed cohabitation in relation with financial provisions, inheritance and property rights of both the co-habitants. Finally, he concluded that in case of cohabitation the way is the ‘opt out agreement’ that equates with the conferment of divorce amongst married couples.

Summing up the proceedings, Asst. Prof. Vikram further compared Family law in India and U.K with particular reference to the ‘Cohabitation’ aspect. He stated that until recent times “Cohabitation of couples was considered an illegal act. But recently, the Apex Court has looked into the issue and legalized heterogeneous cohabitation outside marriage. Prof. Singh thanked the session chair Dr. Rees and all other dignitaries as he closed the session.
INTERACTIVE Q & A SESSIONS

At the end of each presentation there was an extremely participative question and answer session wherein inquisitive minds were keen to resolve their queries.

Queries were raised with regard to damages in case of misrepresentation of one of the parties. It was concluded that there is a difference in the case of the two countries. In England it is dealt with under common law rules however in India falls within the subject matter of section 18 and 65 of the Indian Contract Act, 1872.
VOTE OF THANKS

At the end of the programme Prof. Ashok Wadje summarised and extended a Vote of thanks on behalf of the Symbiosis family to the speakers, guests and delegates. He referred to Indian scenario in the area of cohabitation disputes and how it has been recognized by the Indian Judiciary under the head of “Live-in-relationship.”

Prof. Ashok noted that the Intellectual discourse was extremely enlightening and thereafter thanked Dr. Osian Rees and Mr. Gwilyn Owen from Bagnor University. Prof Wadje also thanked Dr. Rawandale Director, SLS, NOIDA and members of the Research and publication Cell, SLS, NOIDA for facilitating the seminar.

The International Seminar was widely appreciated by the speakers and audience alike. Dispersal of the session was preceded by the SLS IT Team's prompt display of the seminar overview in the form of an interesting short movie.
# THE ORGANIZERS:

**RESEARCH & PUBLICATION CELL:**

Dr. Pushpa Negi  
Prof. Deepa A Panwar

### BA/BBA. LLB. (Batch 2011-16)

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**TECHNICAL TEAM:**

Nilesh Aeer  
( Network Administrator)

Harjinder Kaur  
(Senior Instructor)

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