

LITIGATION

India:

Must loss resulting from breach of contract be proven?

Authors: Bishwajit Dubey, Anushree Tripathi

(Source: International Law Office

(Read article <http://www.internationallawoffice.com/?i=55592&l=7F5D93B>)

In Sudhir Gensets Ltd v Indian Oil Corporation Ltd the Delhi High Court ruled on Sections 73 and 74 of the Contract Act 1857. The court held that the loss suffered by a party due to breach of contract need not be proven where parties have specifically agreed on certain points regarding the compensation in the contract.

Kenya:

Public outrage forces president to revoke appointments to key offices

Author: Grishon Ng'ang'a Thuojudicial

(Source: International Law Office)

(Read article <http://www.internationallawoffice.com/?i=55592&l=7F5D94D>)

The president's nomination of a new chief justice, attorney general and director of public prosecutions sparked a heated public debate after the prime minister denounced the appointments, claiming that he had not been consulted. This lack of consultation, he contended, amounted to a blatant violation of the 2010 Constitution and the National Accord and Reconciliation Act 2008.

New Zealand:

Law change to aid Australia-New Zealand proceedings

Authors: Chris Browne, Shaun Maloney

(Source: International Law Office)

(Read article <http://www.internationallawoffice.com/?i=55592&l=7F5D956>)

The Trans-Tasman Proceedings Act is intended to support closer economic ties with Australia through commercial regulatory enforcement, and aims to make it easier for individuals and businesses to resolve trans-Tasman legal disputes through the courts. Trans-Tasman litigation will be different from New Zealand litigation involving parties in other countries.

United Kingdom:

Guidance on role of trustee in disputes over complex financial products

Author: Andrew McGregor

(Source: International Law Office)

(Read article <http://www.internationallawoffice.com/?i=55592&l=7F5D974>)

A recent Court of Appeal judgment provides useful guidance on the extent to which trustees should participate in disputes arising from complex financial products. Where the trustee's stance on the issues is neutral, it was considered that it should be unnecessary for representations to be made on the trustee's behalf or for it to be represented at a hearing.