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CONCEPT OF DOMICILE UNDER PRIVATE INTERNATIONAL LAW: AN OVERVIEW

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ABSTRACT:

In private international law, particularly in common law systems, domicile is one of the keys connecting elements. It links a person to a certain legal system (*lex domicilii*) in order to settle choice-of-law disputes pertaining to succession, family law, legal capacity, and personal status. Domicile relies on both physical presence and the intention to stay permanently (*animus manendi*), in contrast to nationality, which is solely political.

This paper examines how the three conventional types of domiciles—origin, choice, and dependence—have evolved from strict common law principles (such as the revival doctrine) to contemporary statutory revisions. The high legal threshold for leaving one's place of origin, dealing with individuals who have several residences, and the continuous conflict between common law domicile and civil law.

Keywords: *Private International Law, Domicile, Personal Law, Choice of Law, Animus Manendi, Habitual Residence.*

Introduction

In common law systems (e.g., the UK, India, Australia, and the US), domicile is the primary connecting factor. It functions as a person's legal anchor, linking them to a specific territorial legal unit regardless of whether they are physically present there at any given moment. A/c to the Dicey and Morris (*Conflict of Laws*) domicile means, "A person's domicile is the country in which he has or is deemed by law to have his permanent home"³ and A/c to Black's Law Dictionary: Domicile means, "The place where a person has his or her permanent legal home and principal establishment and to which he or she has the intention of returning whenever he

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³ [https://en.wikipedia.org/wiki/Domicile_\(law\)](https://en.wikipedia.org/wiki/Domicile_(law)) (last visited; 7August 2026, 1:05 p.m.)

or she is absent." ⁴In case of *Central Bank of India v. Ram Narain*, Hon'ble S.C. held that "Domicile implies a purely physical fact of just being and living in a particular place coupled with the intention to live indefinitely in that place."⁵ In common law basically three types of domiciles has been provided. At first, Domicile of choice which simply means, the domicile assigned to every individual automatically **by operation of law at birth**. It does not depend on where the child is physically born, but rather on the legal status of the parents at the moment of birth. At second, Domicile by choice simply means, A **domicile of choice** is acquired by an independent person (an adult of sound mind) who voluntarily abandons their existing domicile to establish a permanent home in a new territory. It includes two essentials: (i) **Factum (Physical Residence)**: Actual, physical presence as an inhabitant in the new legal territory. (ii) **Animus Manendi (Mental Intention)**: A fixed, settled intention to reside in the new country permanently or indefinitely. At last, Domicile of Dependence means, A **domicile** applies to individuals who lack full legal capacity under the law to choose their own domicile. Their domicile automatically shifts whenever the legal domicile of the person upon whom they depend changes. It basically applied on (i) married woman (ii) child (iii) insane person but as of now it ceases to apply on married woman.⁶ The doctrine is fundamentally different from ordinary residence. A person may reside in a country for several years without acquiring its domicile, while another person may retain a domicile in a country despite prolonged absence from it. Thus, the physical presence only can't decide the domicile of the person. The traditional common law concept requires both a physical presence as well as a mental element to reside as his permanent home.⁷ The distinction is particularly significant in private international law because the law of domicile has traditionally operated as a connecting factor in matters of personal status and succession. Questions concerning the validity of marriage, divorce, testamentary capacity, succession to movable property, and other personal law matters have historically been determined, in various legal systems, by reference to domicile.⁸

This paper examines domicile not merely as an abstract legal definition but as a judicially constructed doctrine. The central research question is: How have courts in different common-law jurisdictions developed and applied the doctrine of domicile as a connecting factor in private international law, and does the traditional distinction between domicile, nationality, and residence remain conceptually and practically justified in an increasingly mobile world.

⁴ https://blacks_law.en-academic.com/26548/domicile (last visited; 7August 2026, 1:05 p.m.)

⁵ *Central Bank of India vs Ram Narain*, 12 October 1954, 1955 SCR (1) 697

⁶ <https://www.endevio.com/en/insights/what-is-domicile> (last visited, 7 August 2026, 1:20 p.m.)

⁷ *Central Bank of India vs Ram Narain*, 12 October 1954, 1955 SCR (1) 697

⁸ A.V. Dicey, J.H.C. Morris & Lawrence Collins, *Dicey, Morris & Collins on the Conflict of Laws* (15th ed. 2012).

The principal objectives of this research are: To examine the historical and conceptual foundations of domicile in private international law; To distinguish domicile from nationality, residence, and habitual residence; To analyze the judicial development of domicile of origin and domicile of choice; To examine the evidentiary requirements for acquiring and abandoning domicile; To study the judicial treatment of intention as an essential element of domicile; To compare Indian jurisprudence with English, American, and Australian approaches; To analyze the relationship between domicile and choice of law; To identify the contemporary limitations of domicile as a connecting factor; and To determine whether domicile remains suitable for modern private international law.

This research adopts a **doctrinal and comparative legal methodology**. Primary reliance is placed upon judicial decisions dealing directly with domicile and conflict of laws questions. The study focuses particularly upon decisions of the Supreme Court of India, House of Lords, Court of Appeal of England and Wales, United States Supreme Court, and High Court of Australia.

CONCEPTUAL FOUNDATIONS OF DOMICILE

1. Meaning of Domicile

Domicile may broadly be understood as the legal relationship between an individual and a territorial legal system that regards that system as the person's permanent or enduring home for particular legal purposes.

The classic foundation appears in *Whicker v. Hume*, where it was said that Domicile means Home, Permanent Home and If you do not understand the permanent Home then I'm afraid that any foreign illustration given by authors or writing will not help you to understand this concept. Then, in case of *Udny v. Udny*⁹, where Lord Westbury explained the distinction between domicile of origin and domicile of choice. The domicile of origin is attributed to an individual at birth, whereas a domicile of choice may subsequently be acquired through residence accompanied by the requisite intention.

Hence, the doctrine includes two dimensions: firstly, that domicile establishes a legal connection with a territory and secondly that, it determines which legal system may govern particular questions concerning the individual.

⁹ *Udny v. Udny*, (1869) L.R. 1 Sc. & Div. 441 (H.L.). The case is the classical authority distinguishing domicile of origin from domicile of choice.

2. Domicile, Residence and Nationality

The term Domicile should not be misunderstood or misinterpreted with the concept of residence. Residence is primarily factual whereas, domicile involves a legal conclusion drawn from facts including the intention of the person.

As per, a person may move from India to England for a two-year employment contract. The person resides in England but may retain an Indian domicile if there is no intention to make England an indefinite or permanent home.

Conversely, an individual who has lived in England for many years and has established a settled life there may acquire an English domicile even if that person retains foreign nationality.

The distinction was recognized by the Supreme Court of India in *D.P. Joshi v. State of Madhya Bharat*¹⁰, where the Court observed that residence and place of birth are legally and factually distinct concepts and explained that domicile ordinarily means one's permanent home.⁶

Nationality is different again. Nationality is ordinarily a legal relationship between an individual and a State determined by the municipal law governing citizenship. Domicile, on the other hand, is a conflict-of-laws connecting factor.

The Principal Characteristic of Nationality is legal membership of a state, For Residence is Factual presence or habitation, For Habitual residence is Centre of actual, regular life, generally without the traditional subjective domicile test, For Domicile is Legal connection involving residence plus the requisite intention, and For Citizenship is Formal political/legal status under municipal law. The distinction is particularly important in international litigation because a person may have one nationality but a different domicile.

TYPES OF DOMICILES

Traditional common-law doctrine recognizes three principal categories:

- Domicile of origin;
- Domicile of choice; and
- Domicile of dependency.

¹⁰ *D.P. Joshi v. State of Madhya Bharat*, AIR 1955 SC 334, 336–38 (India). The Court explained that domicile means permanent home and distinguished residence from place of birth.

Domicile of Origin

Every person receives a domicile of origin at birth.

The domicile of origin does not necessarily mean the physical place of birth. Rather, it is a legal status attributed by law at birth according to established rules concerning the child's family circumstances.

The doctrine was authoritatively explained in *Udny v. Udny*. Lord Westbury treated domicile of origin as an original legal connection that persists until displaced by a domicile of choice.

The importance of the domicile of origin lies in its resilience.

A person may abandon a domicile of choice without immediately acquiring another domicile. In such circumstances, the domicile of origin revives. This prevents a person from becoming legally domiciled nowhere.

The rule reflects one of the fundamental principles of domicile:

A person cannot be without a domicile.

The Supreme Court of India recognized the same principle in *Central Bank of India v. Ram Narain*¹¹, explaining that the law may attribute a domicile even where a person does not have an actual permanent home.

Domicile Of Choice

A domicile of choice is acquired when an individual establishes residence in a country together with the requisite intention to make that country the individual's permanent or indefinite home.

The doctrine traditionally requires two elements:

Factum

There must be actual residence or physical presence of a legally sufficient character.

Animus

There must be an intention to reside permanently or indefinitely.

The Supreme Court of India expressly adopted this two-element approach in *Central Bank of India v. Ram Narain*.

The Court emphasized that mere intention is insufficient where the required residence is absent. Likewise, residence without the requisite intention may also be insufficient.

This combination can be represented as:

Domicile of Choice = Residence + Requisite Intention

The difficulty lies in determining what constitutes the requisite intention.

¹¹ *Central Bank of India v. Ram Narain*, AIR 1955 SC 36, 39–40 (India). The Supreme Court noted that domicile requires both residence of the requisite kind and the requisite intention.

THE CLASSICAL ENGLISH CASE LAW

Udny v. Udny

Udny v. Udny is one of the foundational authorities on domicile.

The case concerned the domicile of a person born in Scotland whose father had a domicile in Italy. The House of Lords considered the relationship between domicile of origin and domicile of choice.

Lord Westbury's formulation established several propositions:

1. domicile of origin is acquired by operation of law;
2. domicile of origin continues until a domicile of choice is acquired;
3. domicile of choice requires residence and intention;
4. abandonment of a domicile of choice does not necessarily leave a person without a domicile; and
5. upon abandonment, the domicile of origin may revive.

The importance of *Udny* extends beyond its facts. It established the conceptual architecture upon which subsequent common-law domicile cases were built.

Bell v. Kennedy

In *Bell v. Kennedy*¹², the House of Lords examined whether the evidence demonstrated an acquisition of Scottish domicile.

The case illustrates the judicial caution involved in determining intention. The court did not treat isolated acts or statements as automatically decisive. Rather, intention had to be inferred from the circumstances as a whole.

This approach is significant because domicile is ultimately a legal conclusion based upon evidence rather than a purely subjective assertion.

A person cannot ordinarily create a domicile simply by declaring:

"This is my permanent home."

The court may consider such a declaration, but it must examine whether the surrounding conduct supports it.

Winans v. Attorney-General

*Winans v. Attorney-General*¹³ further strengthened the doctrine's conservative approach to

¹² *Bell v. Kennedy*, (1868) L.R. 1 Sc. & Div. 307 (H.L.). The case is a leading authority on determining domicile through evidence of intention and surrounding circumstances.

¹³ *Winans v. Att'y-Gen.*, [1904] A.C. 287, 290–91 (H.L.). The House of Lords placed the burden of establishing a change of domicile upon the person asserting the change.

change of domicile.

The House of Lords placed the burden upon the person asserting a change from domicile of origin to establish that change. The evidence had to demonstrate a fixed and determined purpose to make the new country a permanent home.

The case is particularly important for two reasons. First, it demonstrates the evidentiary strength of domicile of origin. Second, it demonstrates that courts do not lightly infer abandonment or acquisition of domicile.

The principle is especially relevant to internationally mobile persons who maintain residences in several countries.

DOMICILE AND INTENTION: THE PROBLEM OF SUBJECTIVITY

The greatest conceptual difficulty with domicile is the role of intention. Courts cannot directly observe intention. They must infer it from conduct.

Accordingly, courts consider factors such as:

Duration of residence, Ownership or acquisition of property, Family relationships, Place of employment, Business interests, social connections, educational commitments, Nationality, Immigration status, Declarations concerning permanent residence, Location of the person's principal home, Testamentary documents, Tax arrangements, Plans for retirement, Burial wishes; and the circumstances surrounding departure from the former domicile.

No single factor is necessarily conclusive. The judicial inquiry is therefore holistic.

IN RE FULD (NO. 3): DOMICILE IN A MULTI-STATE LIFE

*In re Fuld (No. 3)*¹⁴ is among the most instructive English decisions concerning domicile in a genuinely international setting. Peter Fuld was born in Germany, lived in England and Canada, acquired Canadian nationality, maintained substantial connections with Germany and England, and possessed residences in more than one country. The question was his domicile at death. Scarman J emphasized that domicile involves both residence and intention and that the domicile of origin persists unless displaced by a domicile of choice. The court ultimately concluded that Fuld remained domiciled in Germany. The significance of *Fuld* lies in its recognition that:

¹⁴ *In re Fuld (No. 3)*, [1968] P. 675 (Eng.). The case concerned a German-born individual with extensive connections to England, Canada, and Germany and examined domicile at death.

Long residence is important but not automatically decisive.

A person may live in another country for a considerable period while retaining the domicile of origin where the overall evidence does not establish an intention to make the new country the permanent or indefinite home. The case demonstrates why domicile cannot be reduced to a mathematical residence test.

***CYGANIK v. AGULIAN*: LONG RESIDENCE AND DOMICILE OF CHOICE**

In *Cyganik v. Agulian*¹⁵, the English Court of Appeal considered the domicile of a man born in Cyprus who had lived and worked in England for approximately forty-three years.

The court was required to determine whether he had lost his Cypriot domicile of origin and acquired an English domicile of choice. The case demonstrates the importance of accumulated objective evidence. Where a person has spent the overwhelming majority of adult life in one jurisdiction, established employment and social connections there, and structured family and economic life around that jurisdiction, the inference of an intention to remain may become powerful. Nevertheless, the legal test remains one of intention coupled with residence. The case therefore illustrates a gradual movement in judicial methodology: **from direct inquiry into subjective intention → toward inference of intention from objective conduct.**

ABANDONMENT AND REVIVAL OF DOMICILE

Acquiring domicile of choice is only one side of the doctrine. A person may subsequently abandon that domicile. Traditionally, abandonment requires: Departure from the country; and Intention not to return to that country as a permanent home. Merely leaving is insufficient.

Likewise, merely expressing an intention to return may not automatically terminate the existing domicile. The classical doctrine is designed to prevent frequent fluctuations in domicile. This stability is particularly important in succession and personal-law disputes, where the applicable law may depend upon domicile at a specific date. If a person could change domicile merely by making an isolated declaration, the connecting factor would become unstable and easily manipulated.

¹⁵ *Cyganik v. Agulian*, [2006] EWCA Civ 129, [2006] 1 W.L.R. 1841 (Eng. & Wales). The Court of Appeal considered whether a Cyprus-born individual who had lived and worked in England for approximately forty-three years had acquired an English domicile of choice.

THE INDIAN APPROACH

Indian courts have inherited much of the common-law doctrine of domicile but have applied it within India's constitutional and statutory framework. The Indian jurisprudence is particularly important because the Constitution establishes **single citizenship** and does not generally recognize State-level citizenship equivalent to the federal-state citizenship structure of the United States.

Central Bank of India v. Ram Narain¹⁶

The Supreme Court's decision in *Central Bank of India v. Ram Narain* is one of India's leading authorities on domicile. The dispute arose against the historical background of Partition. Ram Narain had been connected with Multan before Partition, and the question was whether he had acquired an Indian domicile at the relevant time. The Supreme Court emphasized that domicile cannot be determined solely by physical movement. The Court identified two essential elements:

factum of residence and animus to reside.

The Court further observed that a person may have no permanent home but cannot be without domicile. The case is especially significant because it demonstrates the distinction between: Residence, Nationality, Citizenship and Domicile.

The Court held that subsequent acquisition of Indian domicile could not retrospectively alter the legal position existing when the alleged offence was committed.

Thus, domicile may have temporal significance: the court must determine the person's domicile **at the legally relevant moment.**

D.P. JOSHI v. STATE OF MADHYA BHARAT

In *D.P. Joshi v. State of Madhya Bharat*¹⁷, the Supreme Court considered a rule concerning differential treatment in medical education based upon bona fide residence. The Court distinguished residence from place of birth and explained the meaning of domicile as permanent home. The majority held that a distinction based on residence did not automatically constitute discrimination based upon place of birth under Article 15(1). The decision is significant for private international law because it demonstrates that the word "domicile" can sometimes be used in different senses. In one context, domicile may possess its technical conflict-of-laws meaning. In another, a statute or administrative rule may use domicile in a

¹⁶ *Central Bank of India v. Ram Narain*, AIR 1955 SC 36 (India).

¹⁷ *D.P. Joshi v. State of Madhya Bharat*, AIR 1955 SC 334 (India).

manner closer to residence. Consequently, courts must examine **the context in which the expression is used**. This is an important methodological lesson: there is no universal rule that every statutory reference to domicile necessarily invokes the full technical common-law doctrine.

SONDUR GOPAL v. SONDUR RAJINI

The Supreme Court's decision in *Sondur Gopal v. Sondur Rajini*¹⁸ is particularly important for modern Indian private international law. The dispute involved an Indian couple whose lives had become international through residence and citizenship connections with foreign countries. The husband argued that his residence and foreign citizenship had affected his Indian domicile. The Supreme Court rejected the proposition that foreign residence or citizenship alone necessarily establishes abandonment of Indian domicile. The Court concluded that both spouses remained domiciled in India for the purposes relevant to the Hindu Marriage Act. The case illustrates an essential principle:

Nationality and domicile are legally distinct.

A person may acquire foreign citizenship without automatically abandoning an existing domicile.

Similarly, residence abroad does not automatically establish foreign domicile. The decision is especially relevant in the contemporary context of the Indian diaspora, where individuals may possess Indian familial and personal-law connections while living abroad for decades.

DOMICILE AND MATRIMONIAL STATUS

Domicile has historically been one of the major connecting factors in matrimonial disputes.

The traditional justification is that marriage affects personal status and therefore should be connected with the legal system with which the individual has a substantial and enduring relationship.

Questions concerning: Validity of marriage, Capacity to marry Divorce, Matrimonial status, Succession between spouses and financial consequences of marriage have historically involved domicile.

However, modern legal systems increasingly employ **habitual residence** as an alternative connecting factor. This development reflects concerns that domicile may be too difficult to establish and too dependent upon subjective intention.

¹⁸ *Sondur Gopal v. Sondur Rajini*, (2013) 7 SCC 426 (India).

MARK v. MARK: IMMIGRATION STATUS AND DOMICILE

In *Mark v. Mark*¹⁹, the House of Lords considered whether a person who was unlawfully present in the United Kingdom could nevertheless acquire a domicile of choice there. The House of Lords held that unlawful immigration status did not, by itself, prevent the acquisition of domicile. This is a significant development and the decision demonstrates that:

Domicile is not necessarily dependent upon lawful immigration status.

The question remains whether the individual actually resides in the jurisdiction and possesses the requisite intention. The case is particularly relevant in an era of migration, refugees, irregular immigration, and transnational families. It prevents the legal concept of domicile from becoming identical to immigration status.

THE UNITED STATES APPROACH

The United States provides an interesting comparative perspective because the concept of domicile operates both in interstate jurisdiction and in conflict of laws. The United States distinguishes domicile from mere residence, although the terminology and precise tests may vary among jurisdictions.

Sherrer v. Sherrer

In *Sherrer v. Sherrer*²⁰, the United States Supreme Court considered the effect of a Florida divorce decree and the question of domicile. The case involved a wife who left Massachusetts and obtained a divorce in Florida after satisfying Florida's residence requirement. The husband participated in the Florida proceedings but later attempted to challenge the divorce in Massachusetts on the ground that the wife had never acquired Florida domicile. The Supreme Court ultimately attached substantial constitutional significance to the Florida adjudication and the parties' participation in the proceedings. The case demonstrates an important difference between American interstate conflict and traditional English domicile doctrine.

In the United States, domicile is closely connected with **state jurisdiction**, particularly in matrimonial proceedings and federal diversity jurisdiction. Thus, the American doctrine illustrates the jurisdictional dimension of domicile more strongly than some traditional English succession cases.

¹⁹ *Mark v. Mark*, [2005] UKHL 42, [2006] 1 A.C. 98 (appeal taken from Eng.). The House of Lords held that unlawful presence in the United Kingdom did not, as a matter of principle, prevent acquisition of a domicile of choice.

²⁰ *Sherrer v. Sherrer*, 334 U.S. 343, 345–56 (1948). The United States Supreme Court considered domicile in connection with an interstate divorce and the constitutional recognition of the resulting judgment.

THE AUSTRALIAN APPROACH

Australian private international law has also retained domicile as an important connecting factor, although modern choice-of-law methodology frequently employs other connecting factors. In *Neilson v. Overseas Projects Corporation of Victoria Ltd.*²¹, the High Court of Australia examined a transnational tort involving China and Australia. The case concerned the interaction between the law of the place of the tort and the law of the parties' domicile. The Court's analysis demonstrates that domicile may operate as one connecting factor within a broader choice-of-law framework. Importantly, the case also illustrates the complexity that arises when one legal system's choice-of-law rules refer to another legal system's connecting factors. This creates the problem of **renvoi**, whereby the forum may have to determine whether the foreign law includes its own conflict rules.²⁶

Domicile therefore cannot be understood in isolation from the broader architecture of private international law.

DOMICILE AS A CHOICE-OF-LAW CONNECTING FACTOR

The traditional role of domicile is particularly apparent in succession. Historically, the law of the domicile has often governed movable property because movables were regarded as following the person. The classical distinction was:

Immovables → law of the place where the property is situated (*lex situs*)

Movables → traditionally connected with the owner's domicile

This distinction reflects the territorial nature of property law. Domicile also historically influenced: Matrimonial capacity, Divorce, Legitimacy, Succession, Testamentary capacity, Personal status and other questions concerning the legal personality of individuals. However, modern conflicts systems increasingly rely upon **habitual residence**, **closest connection**, and specialized statutory rules.

DOMICILE AND MULTIPLE RESIDENCES

Modern international mobility creates difficult factual situations.

Consider a person who was born in India, Maintains an Indian family home, Works in Singapore, owns property in Dubai, Holds British citizenship, spends six months annually in London and Intends eventually to retire in India.

²¹ *Neilson v. Overseas Projects Corp. of Victoria Ltd.*, [2005] HCA 54, (2005) 223 C.L.R. 331 (Austl.). The High Court considered the role of domicile as a connecting factor in an international tort dispute involving China and Australia.

Where is the person's domicile?

No single fact provides the answer.

Citizenship does not automatically determine domicile. Property ownership does not automatically determine domicile. Length of residence does not automatically determine domicile. A declaration of intention is not necessarily conclusive. The court must examine the entire pattern of life.

This approach is consistent with *in re Fuld*²², where multiple international connections made the determination of domicile particularly difficult.

THE BURDEN OF PROOF

An important feature of domicile litigation is the burden placed upon the person asserting a change. In *Winans v. Attorney-General*²³, the House of Lords required convincing evidence of a fixed and determined intention to make the new country the person's permanent home. The rule serves two purposes.

First, it protects stability. Second, it prevents opportunistic manipulation of connecting factors. If domicile determined succession or matrimonial rights, an individual could potentially attempt to change domicile shortly before death or litigation to obtain a more favorable legal regime. The judicial insistence upon strong evidence therefore protects the integrity of the conflict-of-laws system.

DOMICILE AND LEGAL MANIPULATION

Domicile creates a potential problem of forum shopping. A person may deliberately move to a jurisdiction because its law is more favorable concerning Divorce, Succession, Taxation, Matrimonial property, Inheritance rights or procedural remedies.

However, courts have traditionally distinguished between a genuine change of domicile and a temporary movement undertaken solely for litigation or another immediate legal advantage. The objective evidence of the person's broader life therefore becomes critical.

A person who moves permanently, establishes a home, relocates family, changes employment, integrates into the community, and abandons the former home presents a very different case from a person who temporarily rents accommodation solely to initiate proceedings.

²² *In re Fuld* (No. 3), [1968] P. 675.

²³ *Winans v. Attorney-General*, [1904] A.C. 287 (H.L.).

CONCLUSION

Domicile is one of the oldest and most enduring connecting factors in private international law. Its importance lies not merely in identifying where a person lives, but in establishing the legal system with which that person's personal life is most enduringly connected.

In the case law demonstrates that domicile is fundamentally a judicial construct. *Udny v. Udny*²⁴ supplied the conceptual foundation; *Bell v. Kennedy* demonstrated the importance of intention; *Winans v. Attorney-General* reinforced the burden of proving change; and *in re Fuld (No. 3)* illustrated the complexity of domicile in a genuinely international life. Subsequent decisions such as *Mark v. Mark*²⁵ show that the doctrine continues to adapt to modern migration.

Indian jurisprudence has substantially adopted the classical distinction while applying it within India's constitutional and statutory environment. *Central Bank of India v. Ram Narain* established the importance of *factum* and *animus*, while *D.P. Joshi* demonstrated the distinction between domicile, residence, and place of birth. *Sondur Gopal v. Sondur Rajini*²⁶ is particularly important in demonstrating that foreign citizenship and residence do not automatically extinguish an existing Indian domicile.

The comparative analysis ultimately reveals that domicile remains useful precisely because it is neither nationality nor mere residence. It attempts to identify a deeper legal relationship between the individual and a legal system.

At the same time, the traditional doctrine cannot remain untouched. Globalisation has made the idea of one permanent home increasingly difficult to apply. The modern individual may have several genuine homes and several substantial legal connections.

The appropriate response is therefore not to abandon domicile but to interpret it pragmatically. Courts should infer intention from objective circumstances, treat formal declarations with appropriate caution, distinguish genuine settlement from temporary residence, and clearly differentiate domicile from nationality and habitual residence.

Domicile therefore survives not because the traditional doctrine is perfect, but because private international law continues to require a connecting factor capable of identifying a person's enduring legal home. Its future lies in reconciling that historical function with the realities of transnational modern life.

²⁴ *Udny v. Udny*, (1869) L.R. 1 Sc. & Div. 441 (H.L.).

²⁵ *Mark v. Mark*, [2005] UKHL 42, [2006] 1 A.C. 98.

²⁶ *Sondur Gopal v. Sondur Rajini*, (2013) 7 SCC 426.