



**NATIONAL OPEN UNIVERSITY OF NIGERIA
PLOT 91, CADASTRAL ZONE, NNAMDI AZIKWE EXPRESS WAY,
JABI, ABUJA
FACULTY OF LAW
2021_1 EXAMINATION**

COURSE CODE: PPL 343

COURSE TITLE: FAMILY LAW 1

TIME ALLOWED: 3 HOURS

INSTRUCTION: ANSWER QUESTION 1 (ONE) AND ANY 3 (THREE) OTHER QUESTIONS. (QUESTION 1 (ONE) ATTRACTS 25 MARKS WHILE OTHERS CARRY 15 MARKS EACH)

QUESTION 1

This month makes it one year and a month that Pat (wife) and Jack (husband) celebrated a statutory marriage. Since they got married, Pat has been the only one responsible for the running of the home. Things have not been going well with Pat, because, each time, she struggles to meet the need in the home, due to lack of support from Jack. As if this is not enough for Pat, Jack is fond of beating her whenever she asks him for any kind of support, no matter how little. To worsen this situation, each time Jack beats Pat, she will end up in the hospital and also be responsible for her medical bills. Pat has been suffering from total neglect, unfair treatment, regular abuse from Jack and life has become miserable for her. She has become emotionally unstable and has been managing her health due to the physical violence from her husband. Pat is completely tired of her marriage and wants to institute an action against her husband. Advise Pat on steps and requirements for a marriage with issues such as hers.

QUESTION 2

Mr. Ade grew up with the understanding that marriage is to be enjoyed and not to be endured. Ade has been looking forward to when he will get married and this would become a reality in his life. In 2018, Ade exchanged a marriage vow with Ewa in accordance with the Marriage Act. Also, in 2020, Ade married another woman, in accordance with Native Law and Custom. When Ewa confronted her husband (Ade) of celebrating another marriage, Ade replied that marriage is not meant to be endured but enjoyed, and this can only be possible by marrying as many wives as possible. Ewa did not understand all this while that, to Ade marrying as many wives as possible is the answer and solution to enjoying any marriage. Citing relevant cases and statutory provisions, what is the legal implication of the second marriage?

QUESTION 3

Yomi, a 22 year old girl, concluded her Secondary School in December 2016, but could not continue her education, because her parents lost their jobs just before she finished secondary school. Due to joblessness and the health challenges suffered by Yomi's parents, they have not been able to take care of Yomi and her siblings and life has become very difficult for the family.

Yomi being the first of the six children of her parents, has been responsible for the family feeding and upkeep. About 7 months ago, Yomi met a man named Tilo, a foreigner and have since then been dating. Early this year, Yomi got a surprise package from Tilo, seeking her hand in marriage but the celebration will take place outside Nigeria after which they will return to Nigeria, to settle down as a family. To Yomi and her family, it is good news and answer to their prayers. This notwithstanding, Yomi is concerned about the implication of the marriage under the Nigerian law.

a. Educate Yomi as regards her concern from the legal point of view.

b. Clearly identify ways customary marriage as an institution can be proved in judicial proceedings.

QUESTION 4

Nullity of marriage is distinguishable from other matrimonial reliefs like divorce, judicial separation, jactitation of marriage and restitution of conjugal rights. These reliefs are available in respect of valid and existing marriage. A suit for nullity is one by which a party seeks to establish that owing to some defects the marriage is invalid. In a proceeding for nullity, the ceremony of marriage must be strictly proved. Critically examine this statement in the light of relevant case law(s).

QUESTION 5

a. Clearly highlight the principal requirements for the celebration of a valid Islamic Law Marriage.

b. Examine the irregular type of marriage of the Malik School of thought under the Islamic law.

QUESTION 6

The issue of domicile is a threshold, which must first be considered because if it is found that the petitioner is not domiciled in Nigeria, the question whether the trial court has jurisdiction to entertain divorce petition will forthwith be settled and that will be the end of the matter. *Bhojwani V Bhojwani*. Discuss with respect to jurisdiction based on domicile.