



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

COURSE CODE: PPL 344

COURSE TITLE: FAMILY LAW 11

TIME ALLOWED: 3 HOURS

INSTRUCTION: ANSWER QUESTION 1 (ONE) AND ANY 3 (THREE) OTHER QUESTIONS. (QUESTION 1 (ONE) ATTRACTS 25 MARKS)

QUESTION 1

Judith and Richard married two years ago, in Dei Dei Marriage Registry in Abuja. After their marriage, Judith decided to get a house maid to assist the family with house chores, of which Richard was not in support. Richard promised to assist Judith with the house chores and other necessary things to keep the home running, but she still went ahead to get a house maid. Judith teaches in one of the secondary schools in Kule Abuja. Judith goes out very early in the morning and comes back very late at night. This happens from Mondays to Fridays, and on weekends, she goes partying and comes back very late, while the husband must have slept. She does not have time for her husband and the family, leaving everything for her housemaid to attend to. After some time, Judith started coming to the house once in a while and eventually she stopped coming. The house maid had to leave, because Richard said her service is no more needed. It is a year now that Judith has refused to come home, and this is causing loneliness and a lot of inconveniencies for Richard. Richard is not happy about the situation, but he does not know what to do. Richard wants to enjoy all the benefit that flows from marriage. He is seeking a matrimonial relief of the restitution of his conjugal rights, but the court will only consider his application upon certain condition and proof. Critically discuss, citing the relevant case laws or statutory provisions.

QUESTION 2

Jade and Wole grew up in the same village called Lato in Oyo State of Nigeria. They went to the same primary and secondary schools and also attended the same university. In 2018, they applied for a job in the same oil company in Port Harcourt, fortunately both of them were employed. Their friendship grew and it became so cordial, because they work in the same company. Jade and Wole cannot do without each other and this is known to everybody in their place of work. Jade and Wole have been relating and presenting themselves as husband and wife. Specifically, Jade has been presenting herself to people that she is married to Wole, backing it up with pictures and document, but Wole has never stopped Jade from doing so. Some months back, Wole celebrated a statutory marriage with Ayo, but the wife is not in Nigeria. Wole's wife will be coming back to Nigeria next month to settle down with him. Wole has made up his mind to stop Jade from portraying herself as his wife, because, it just dawned on him that, if his wife

should hear, she will not believe that they are mere allegations. He has been making effort to stop Jade from continuing to portray herself as married to him, with no positive results, he has now decided to achieve this by instituting an action against Jade. Advise Wole on the possibility or otherwise of institute a legal action.

QUESTION 3

Peace got married to Tata in 2010 and divorced in 2014. Her first marriage was a terrible one because the marriage broke down irretrievably. In 2015, Peace got married for the second time to Pafa, the marriage is about to hit the rock again, after about two years. Peace's husband was the petitioner in her first marriage, but in this case, (second marriage) Peace is the petitioner. Peace and Tata marriage did not produce any child, but her second marriage is blessed with a boy and a girl, aged 4 and 2 respectively. The two children are so close to their father. Tata wants the custody of his children, even though he has no means of livelihood, he intends to take the children to his parent, to assist him in taking care of the children. Peace is also determined to go with her children because, apart from the fact that they are still young, she is very sure that Pafa will not be able to take care of them. With the aid of relevant cases and statutory provisions, what is the major concern of the court in custody matters?

QUESTION 4

Mr Saya and Mr Giga have been close friends for good twenty years. They worked together for many years as Directors of a Manufacturing Company in Rivers State and retired the same day. Mr Saya has two wives and four children, two from each wife, while Mr Giga has only one wife and five children. Mr Saya also has a mistress that he goes out with. Mr Saya is happy about his children except for one and he is bothered about what happens after his demise. Last month, the two friends went for a conference organised for retirees in their neighborhood, where a lecture on Wills was delivered. This lecture aroused the interest of both and they have decided to make a Will in favour of their children, but they want to know the statutory requirements of a valid Will. Clearly explain:

- a. Statutory Requirements of a Will
- b. Revocation and Cancellation of Wills

QUESTION 5

- a. Mr Chuks a native of Anambra State is a Director in a Rubber Manufacturing Company in Lagos State Nigeria. Within the space of some years, he made a lot of money and acquired a property in a strategic place in Nigeria. Unexpectedly, he was relieved of his job. Last month, he developed a health challenge that renders him useless each time it happens. Whenever he is sick he behaves abnormal and after some time he will become stable again and begin to live a normal life. He was subjected to customary law throughout his life time. He died intestate last week. Discuss in detail the system of intestate succession that is applicable in this matter.
- b. Females are at disadvantage in succession matters in the Northern part of Nigeria, in cases relating to intestacy. How true is this statement?

QUESTION 6

Upon the dissolution of marriage, settlement of property of the parties to the marriage is one of the issues that naturally arise for resolution either by the parties themselves or by an order of court. With relevant case laws or statutory provisions, critically analyse this statement.