



**NATIONAL OPEN UNIVERSITY OF NIGERIA
PLOT 91, CADASTRAL ZONE, NNAMDI AZIKWE EXPRESS WAY,
JABI, ABUJA
FACULTY OF LAW
2021-1 EXAMINATIONS**

COURSE CODE: PPL423

COURSE TITLE: GENERAL PRINCIPLES OF EQUITY I

TIME ALLOWED: 3 HOURS

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

Question 1

Thomas wishes to buy a Camry XLE for use in his Uber business. He visits the showroom of Remington Garages Ltd, which operates a garage specializing in the sale of second-hand vehicles. Thomas requests for a Camry XLE by Toyota but Pandora the sales rep at Remington Garage offered him car made by Leroy Cars Ltd that is on sales at Remington Garages Ltd. Pandora, tells Thomas that the car is 3 years old and has done only 30,000 miles on the milometer. Thomas has not heard of Leroy Cars before and is concerned about the availability of spare parts, but Pandora tells him that Leroy Cars is a well-established firm with good track-record in providing spare parts. On the basis of this, Thomas pays N5m for the car and was delivered to him.

A month after delivery of the car, Thomas finds that it is 5 years old and that its milometer has been changed. He is advised by an independent valuer that it is in fact worth only N2.5m owing to its age and greater mileage.

After finding out these matters, Thomas attempts to return the car but Remington Garages rejects the car and denies liability on any ground. Thomas then discovers that Leroy Cars has recently gone into liquidation and that the availability of spare parts for its products is in doubt. Can Thomas recover damages and/or rescind the contract?

Question 2

Ebube has engaged Fred, an I.T guru on a self-employed basis for three months from 1 February 2020 to redesign the business's website and to assist with marketing; his hotel for the summer season. Fred had worked on this project for two months but on 1 April he rang John and told him that he was not going to continue any longer as he had obtained a 'very lucrative job' which he felt that he could not turn down. John feels that it is too near to the summer season to engage

anyone else and he wishes to obtain a court order to compel Fred to work for the remaining month. Discuss the legal issues involved.

Question 3

Discuss, with ample aid of judicial decisions, the principles that guide the court in the award of the discretionary remedy of injunction?

Question 4

Hanbury stated that the doctrines of laches and acquiescence run through the whole of equitable doctrine. Modern Equity (7th Ed.) p. 633. This doctrine emanated from the maxim 'delay defeats equities' or 'equity aids the vigilant'. Discuss the principles of laches in the light of Hanbury's acknowledgement and the two maxims outlined above.

Question 5

What features distinguish equity from common law?

Question 6

Terence's father in his Will bequeath all his realty to Terence, a final year Engineering student and all his personalty to his daughter, Gboje. Both Terence and Gboje are at a loss as to what realty and personalty entails. As Terence's best friend and a year IV law student at the Faculty of Law, National Open University of Nigeria, enlighten Terence and Gboje, on what personalty and realty property entails, differentiating between the two and the mode of assignment of these two types of property.