



NATIONAL OPEN UNIVERSITY OF NIGERIA
PLOT 91, CADASTRAL ZONE, NNAMDI AZIKIWE EXPRESS WAY, JABI – ABUJA
FACULTY OF LAW
DEPARTMENT OF PRIVATE AND PROPERTY LAW
2020_2 EXAMINATION

COURSE CODE: PPL 323

COURSE TITLE: LAW OF TORTS I

TIME ALLOWED: 3 HOURS

INSTRUCTION: ANSWER QUESTION 1 AND ANY OTHER THREE (3) QUESTIONS. QUESTION ONE CARRIES 25 MARKS. ALL OTHER QUESTIONS CARRY EQUAL MARKS.

1. Akim was working in his farm some days ago when he saw Mr Bintu walking across his farm with two other persons. Mr Akim walked up to them to find out what they were doing on his farm but they ignored him. Akim later brought an action against Mr Bintu and the two strangers. In their defence they argued that they did not destroy any crop but were merely using the foot path in the farm as a thoroughfare due to flooding in the entire land area. While Mr Akim was still arguing with Mr Bintu, Mr Goodluck brought out a gun from his pocket and pointed it at Mr Akim who fled. Mr Akim was knocked down by a reckless unlicensed driver and was carried to hospital in very critical condition. Mr Akim is the bread winner in his community. His uncle suffered heart attack when he heard of the accident and was also hospitalized.
 - (a) What are the chances of Mr Akim succeeding in an action for damage to his land and claim for his medical bills
 - (b) What are the chances of Mr Bintu and Mr Goodluck succeeding in their defences to Mr Akim's suit
 - (c) What are the chances of Mr Akim's uncle succeeding in his claim
 - (d) What is the new test for determining the extent of liability for damage and its advantage
2. With the help of decided cases discuss;
 - (a) Legal wrong without damage: Injuria sine damno
 - (b) Damage without a legal wrong: Damnum sine injuria

3. In *Aigoro v Anebuwa*, the plaintiff was at a train station and about to board a train when the defendant called on a policeman to assist him to prevent the plaintiff from leaving on the train. The policeman then invited the plaintiff to come with him to the police station. No physical force was used to restrain the plaintiff. Later the plaintiff sued for false imprisonment. With the aid of decided cases discuss the elements of false imprisonment.
4. (a) Discuss the objectives of the law of Torts
(b) Discuss the defence to an action for trespass to person
5. Greg was being given a lift in the Frank's car. Greg did not strap on the seat belt: he did not care about it and the Frank himself did not ask him to strap it on. Frank was obviously tipsy. Frank's car crashed and Greg was seriously injured. In an action by Greg, Frank raised the defence of contributory negligence
(a) Using decided cases discuss the essential elements negligence
(b) What are the defences available to Frank
6. With the aid of decided cases write short notes on any three of these;
 - i. Methods of assessment of damages
 - ii. The principle of negligence as laid down in the case of *Donoghue v Stephenson*
 - iii. The tort of detinue and the remedies for it.
 - iv. Defences to trespass to person