



NATIONAL OPEN UNIVERSITY OF NIGERIA
PLOT 91, CADASTRAL ZONE, NNAMDI AZIKWE EXPRESS WAY,
JABI, ABUJA
FACULTY OF LAW
2020_2 EXAMINATION

COURSE CODE: PPL344

COURSE TITL: FAMILY LAW II

TIME ALLOWED: 3 HOURS

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

1. The validity of every marriage contracted under the Marriage Act depends on whether or not the laid-down formalities for the celebration of the marriage have been complied with, by the parties. There are certain formalities prescribed by the Marriage Act for the celebration of a valid statutory marriage. These formalities cover some preliminary requirements and the procedures to be adopted in the actual celebration of the marriage. Failure to comply with, or fulfill these requirements may or may not affect the validity of the marriage depending on the nature of defects occasioned by the non compliance with the requirements. Bearing the above in mind, critically examine the following major procedural defects citing relevant statutory provisions:

- i. Defect as to Time
- ii. Defect as to Names
- iii. Defect as to Place of celebration of Marriage
- iv. Defect as to Registrar's Certificate of Notice
- v. Defect as to Celebrant of marriage

2a. Court litigations are normally conducted by following specific procedures and using prescribed forms, depending on the nature of the litigation and the parties before the court. Usually, these forms and procedures are contained in the various rules of court at both state and federal levels. Under these rules, cases are presented before the courts by means of different documents that form the totality (along with oral arguments) of each party's case. Discuss with regard to steps involved in the filling of court process for petition for Decree of Dissolution of Marriage in Nigeria.

2b. Judicial separation means the physical separation between the husband and wife of statutory marriage as ordered by a court of competent jurisdiction. Explain with the relevant statutory provisions.

3. A contract to marry under statute is a contract that involves three parties – the man, the woman and the state. While there is a mutual exchange of vows between the principal parties, the state prescribes certain rights, duties, privileges, obligations, benefits and restrictions to accompany the transaction. In Nigeria, statutory marriage and all the incidents that flow from it are regulated by specific laws. Examine the major laws that regulate issues of statutory marriage in Nigeria, stating the role each of them plays.

4a. Outline the effects of a decree of Judicial Separation under the Matrimonial Causes Act 1970.

4b. Briefly explain how a Judicial Separation can be discharged.

5. Sincerity of purpose on the part of the Petitioner must be seen before a court can make an order of restitution of conjugal rights. As a student of family law, your lecturer gave you a seminar topic on: Restitution of Conjugal Rights, to be submitted in the next class. Discuss with statutory provisions.

6. Discuss the underlying principles for the grant of restitution of conjugal rights, mode of petition for restitution of conjugal rights and obligations of petitioner after a restitution order has been granted by the court.