



**NATIONAL OPEN UNIVERSITY OF NIGERIA**  
**PLOT 91, CADASTRAL ZONE, NNAMDI AZIKWE EXPRESS WAY,**  
**JABI, ABUJA**  
**FACULTY OF LAW**  
**2021\_2 EXAMINATION**

**COURSE CODE:** PPL343  
**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)

**QUESTION 1**

In 2016, Femi got married to Jeje according to Native Law and Custom of the Yorubas. Since they got married, the couple has been battling with having at least a child of their own. Jeje had suffered a lot emotional pain and embarrassments from her in-laws, who call her “barren”. They accused her of living a promiscuous life outside marriage and before marriage, as the reason for her inability to produce children for their son. Suddenly, Femi became indifferent to Jeje and one thing led to another. Femi could not bear the shame of childlessness in his marriage and he started having extra-marital affairs. Unfortunately for him, he impregnated another woman namely Kile, who is also married to another man under Customary Law. Femi has decided to secretly celebrate another marriage with Kile in accordance with the statute, but in another part of the country from where he resides with his first wife. Advise Kile.

**QUESTION 2**

Titi has made several attempts to make sure that there is consummation in her marriage but to no avail. Two months after she got married to Tade, the duo had to live separately due to different job locations. For more than a year, they could not visit or see each other. After six months, Titi got another job, in the same location where Tade resides and they started living together. They have been married for two years and six months, but it is just six months they have lived together as husband and wife under the same roof and no consummation has taken place. Titi has become so worried because four months ago, she read three different WhatsApp messages from three different people on Tade’s phone, referring to him as an impotent man. Tade has consistently refused to seek medical attention, despite Titi’s advice. Advise Titi.

**QUESTION 3**

Kate and Samson got married January 2018, in St Luke Anglican church in Yaba, Lagos State. Since they got married, the couple has been living together, as cat and dog. This lifestyle has become so noticeable by their neighbours, because they are fond of settling disputes between the couple. In 2019, Kate discovered that she got married to the wrong person. Samson had presented himself to Kate as a different person entirely. Samson is not the right person that Kate wanted to marry, but Kate did not know and there is no way she could have known, because Samson is a twin and both are identical. Samson had presented himself to Kate and made her to believe that he is the right man that Kate wanted to get married to. Few months after marriage, Kate discovered that she got married to the wrong person. Upon Kate discovery that she got

married to the wrong person, she approached Samson, but this led to a serious fight between them. It is about six months Samson stopped communicating with Kate, despite several effort from the wife. Examine the ground upon which the marriage can be rendered void.

#### QUESTION 4

Divorce is one of the matrimonial reliefs available to parties in a statutory marriage. There is only one ground under which a petitioner can institute an action for divorce that the marriage has broken down irretrievably. This is provided for under section 15(1) of the Matrimonial Causes Act in Nigeria. However, section 15(2) enumerates eight facts of proof, each of which will enable a court to reach a conclusion that marriage between parties has broken down irretrievably. Clearly highlight the facts as provided under section 15(2).

#### QUESTION 5

A marriage will be regarded as having broken down irretrievably where respondent has deserted for a continuous period of at least one year immediately preceding the presentation of the petition. This notwithstanding, there are certain elements that a petitioner must establish without which the court will refuse the application. Briefly analyse these elements.

#### QUESTION 6

In the light of relevant case(s) or statutory provisions, clearly consider how an applicant can successfully establish a case of adultery in a statutory marriage.