

**NATIONAL OPEN UNIVERSITY OF NIGERIA**  
**PLOT 91, CADASTRAL ZONE, NNAMDI AZIKWE EXPRESS WAY, JABI – ABUJA**  
**FACULTY OF LAW**  
**JANUARY2018 EXAMINATION**

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**COURSE CODE: PPL344**

**COURSE TITLE: FAMILY LAW II**

**CREDIT UNIT: 4**

**TIME ALLOWED: 2 ½ hrs**

**INSTRUCTIONS: ANSWER QUESTION ONE AND ANY OTHER THREE QUESTIONS.**

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1. Tunde and Tolu are legally married and have two children aged 5 and 2. Since the marriage, Tolu has behaved in an unruly manner, destructive and very rude. On several occasions, she had fought Tunde at his place of work. Tunde's brother, Sam saw Tolu and Kunle having dinner at a local restaurant and then leaving the restaurant late at night, holding hands and getting into a car. Tolu is suffering from depression and plans to move in with Kunle, who also has anger management issues. Tunde has had it up to his neck and wants out of the marriage, since Tolu has become extremely volatile and he fears for his life. He has come to you to advise him on the different grounds of divorce and the most appropriate one he could use. He also needs to know what orders the court could make in respect of his two children, whom he loves so much.
  - b. Would you consider that condonation has actually taken place where a wife commits adultery and her husband, after discovering this, allows her to return to their house but does not resume normal marital relations with her?
2. Tony aged 40 and Alice aged 37, have been married for eight years and have two children, Sebastian and Davina. When Sebastian was born, the couple decided that Tony should give up his job as a salesman to look after him as Alice's income as a doctor, was far higher than his. Tony has not worked since then, but when Davina went to school, he started studying for a law degree at NOUN. In the past one year, the marriage has not been as happy as it used to be. Tony spends all his spare time studying and Alice has been spending a lot of time with Dan, a doctor who works with her. Alice has just admitted to Tony that they are having an affair and wants to set up a home with Dan. She also wants the children to live with them in Dan's house. She wants to sell the family property which they bought in their joint names. Tony has asked you for your advice on the issues he has raised and how will their assets be distributed?
3. In 1991, Joe and Sarah were married in a Church ceremony in Owerri. The parties could not, however, return the church's copy of the marriage certificate, to the Registry because, on the two occasions when they went there, the Registrar was on sick leave. After the second attempt, the Nigerian Labour Congress went on strike indefinitely. Joe, on his own part, decided not to resubmit the certificate, as they were leaving the country and could not afford to miss their flight. As a result, the 1991 marriage was never

registered. Nine to 11 years later (between 2000 and 2002), the parties were married in a new ceremony. In 2008, the parties dissolved the marriage. As part of the dissolution judgment, the family court ordered Joe to pay Sarah spousal support for several years in accordance with an agreement between the parties. Joe subsequently sought modification of the spousal support order. At the hearing on his order to show cause, the parties disagreed about how long they had been married. Joe argued the parties were married in 2000. But Sarah - contrary to a filing she had made earlier in the dissolution proceeding - claimed the parties were married in 1991. You are required to do a summary note on the issues raised and the position of the law.

3. Williams and Susan married after a whirlwind courtship two years ago. Because they had met so recently and Williams had to go abroad immediately due to a recent job placing, where he could not take his wife, they were apart for the first year of their marriage. In any case, this seemed sensible as Susan had a good job as a fashion buyer, so during the first year, Susan remained in Nigeria furnishing their new home for Williams' return. While Williams was out of the country, Susan wrote to him that she was pregnant and then shortly afterwards that she had lost the baby. On his return, Williams was very suspicious of her account of this, has now heard from friends that Susan might have already been pregnant when he married her and that she had in fact, had a termination. He now regrets his hasty marriage, having himself had an affair with his secretary on his recent posting, which made him realize that he and Susan are actually not suited. He also now thinks that Susan's baby was probably not his.

Advise Williams whether he could obtain a decree of nullity or divorce, whether there might be any bar to any of these, what he would need to prove and whether he is likely to succeed.

4. Nnaemeka and Ada have been married for 12 years. Nnaemeka continued to suffer ill-treatment from Ada his wife for years but continued to cohabit with her. He got fed up with the ill-treatment and decided to petition for judicial separation on the ground of wife's ill-treatment. Few months before the presentation of the petition, Ada gave birth to a child. As a law student attached to the office of the judge, you have been requested to write a case note on the issue.
5. Ernest and Ada have been married for 5 years and have two children aged 4 and 2 years. Ernest lost his job a couple of years ago and was apparently unable to obtain another, so went on to learn a skill. He just completed the course to qualify and has a job offer which he could start immediately with significant extra bonuses. Ada, working with a superstore just lost her job due to the economic downturn in the country. They have argued so much recently that Ernest has now left and gone to live with his brother and sends weekly voluntary payments for the children but nothing for Ada, who supposes that they will have to divorce eventually but meanwhile wants some maintenance as she is also struggling to pay the rent out of savings which are practically exhausted. Advise her how she could obtain some maintenance for herself and whether it is worthwhile trying to formalize the child maintenance she is currently receiving.
6. Critically analyse the extent to which it is true that there is no marriageable age

