

NATIONAL OPEN UNIVERSITY OF NIGERIA
14/16 AHMADU BELLO WAY, VICTORIA ISLAND, LAGOS
FACULTY OF LAW
2018 EXAMINATION

COURSE CODE: PPL 423

COURSE TITL: EQUITY AND TRUST I

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

1. In 2011, the defendant Mazi Ibe who was a rice farm owner engaged in dependent contractor to build a reservoir on his land to supply water to his rice farm. During construction, the contractors found disused mine shafts and passages which unknown to them linked the plaintiff's mines on the adjoining land.
The contractors carelessly omitted to block the disused shaft and when the reservoir was filled with water, it escaped and flooded the plaintiff's mine inflicting damage. With the 2017 recession still in place, the plaintiff's son who just graduated from the law school convinced the plaintiff for legal actions to be commenced against the defendant. "Equity aids the vigilant and not the indolent", Discuss this assertion and indicate if there are any limitations to this maxim.
2. No one who has witnessed the rigidity of the common law rules should have sympathy for it whenever equitable maxims are used to exclude the application of common rules in certain cases. In your understanding of the relationship between equity and common law, do you think this is a correct view?
3. What is the difference between a constructive trust and a proprietary estoppel?
4. Bankole a student of National Open University and a building material supplier was contracted to supply roofing materials to Bauchi Study Center of the National Open University. Bankole is furious about not passing his Equity and Trust law exam, he delivered half of the required materials. The University commenced legal actions against Bankole and got an order for specific performance. The requirement of mutuality is indispensable in a consideration of specific performance. Do you agree?
5. The court would not normally grant an equitable remedy that will require its continuous supervision. Discuss.
6. During the second semester facilitation at the Abuja Model Study Center of the National Open University of Nigeria, The Dean Faculty of Law asked the question, 'What do we mean when we speak of discretionary power of the courts to award equitable remedies'? Discuss.