



NATIONAL OPEN UNIVERSITY OF NIGERIA
PLOT 91, CADASTRAL ZONE, NNAMDI AZIKIWE EXPRESS WAY, JABI ABUJA
FACULTY OF LAW
DEPARTMENT OF PRIVATE AND PROPERTY LAW
2023_1 POP EXAMINATION₃₁

COURSE CODE: PPL 323

COURSE TITLE: LAW OF TORTS 1

TIME ALLOWED: 3 HOURS

INSTRUCTION: ANSWER QUESTION 1 AND ANY THREE (3) QUESTIONS.

QUESTION 1 CARRIES 25 MARKS; OTHERS CARRY EQUAL MARKS.

TOTAL MARKS = 70 MARKS

QUESTIONS

1. Daniel was walking down the street one evening when all of a sudden it became cloudy and it started raining. Chams does not see well without his glasses. Chams had already driven out of the house when he realised that he wasn't wearing his glasses. On his way back from the shopping mall his car hit Daniel who was already drenched in the rain. Daniel was rushed to the hospital in an unconscious state. Doctor recommended an immediate blood transfusion to save his life. Daniel's wife refused blood transfusion on him on the ground of his religious beliefs and he later died. In an action by Daniel's wife, Chams argued that Daniel would have survived if he had accepted the blood transfusion as recommended by the doctor and that his refusal has broken the chain of causation. Advise Daniel's wife.
2. Discuss the principles established in the case of *Donoghue v. Stephenson* and the possible defences to the tort of negligence.
3. (a) Discuss the objectives of the law of torts.
(b) Examine the various principles regarding damage.
4. Igwe was riding in a motor vehicle driven by the Zuki. Zuki prevented Igwe from coming down from the vehicle at a certain place by driving past in excessive speed. Where eventually Zuki stopped the vehicle for him to come down was very far from where he was to stop initially. As a result Igwe missed his job interview. Igwe wants to sue for false imprisonment but Zuki believes that there was no confinement. Advise Igwe.
5. (a) With the help of decided cases discuss the differences between Conversion and Trespass
5(b). Examine these remedies for the tort of detinue.
6. Examine the nature of duty which an occupier owes a child and a trespasser.