



**NATIONAL OPEN UNIVERSITY OF NIGERIA PLOT 91, CADASTRAL ZONE,
NNAMDI AZIKIWE EXPRESS WAY, JABI, ABUJA
FACULTY OF LAW
2023_1 POP EXAMINATION**

COURSE CODE: PPL 344

COURSE TITLE: FAMILY LAW II

TIME ALLOWED: 3 HOURS

**INSTRUCTION: ANSWER QUESTION 1 (ONE) AND ANY 3 (THREE) OTHER
QUESTIONS. (QUESTION 1 (ONE) ATTRACTS 25 MARKS
TOTAL =70 MARKS**

QUESTION 1

a. This year makes it exactly nine years that Chidi and Feso got married. The duo married in accordance with the statutory law. Not until recently, Chidi (wife) was very reserved and hardly involve herself in any social activities like partying or clubbing, but Feso (husband) is the opposite. Feso loves to take Chidi out to meet friends, for swimming and especially to tourists centre. Apart from the fact that Feso is the outgoing type, he also involves himself in some activities with people unquestionable character. Chidi makes several efforts to convince Feso from relating with friends that are not helpful to him, all to no avail. This has been affecting their marriage for many years, but Feso refused to change. As a result of this, Chidi has been making life unbearable for Feso. Last week, Feso told his wife that they need to give each other some space and time. They both agreed to live separately, while they are still husband and wife, to see if they can work on themselves and then come back together. Feso has decided to institute an action. He needs your advice on the type of action and the effect.

b. Write a brief but explanatory note on Succession under the Administration of Estates in Nigeria.

QUESTION 2

Siti and Jopo were married for seven years and reside at Ajah in Lagos State. They have two children, Gordon, age 16, and Howard, age 5. The couple principal asset is the house they have lived since their marriage. Jopo purchased the house before the marriage and retains titled in Jopo's alone. Siti and Joe began experiencing marital problems, and Siti subsequently moved to Ogun State to live with her mother. Siti and the children have been living in Ogun State for the past years. Jopo visited the Children on several occasions in Ogun State. Howard has been to Lagos state several times for treatment of a rare eye disorder from an eye specialist. Joe has paying child support to Siti for the Children on several occasions even though there was no child support order. Jopo has just learned that Siti has become involved in a faith healing religious sect which does not believe in medical treatment. He is concerned that Howard may not get needed care for his eye disorder. During the past four months, however, Howard has not received medical treatment. His eye condition stabilized. Siti has indicated that in the event that Howard's condition does reoccur, she will not seek medical treatment for him under any circumstances. Jopo has

consulted you about filing for dissolution of the marriage and obtaining custody of Gordon and Howard. Jopo does not intend to share any of his property with Siti since they were all purchased before the marriage. He said that, he is not ready to pay any maintenance to Siti as she just got a job as a clerk. Identify the issues in this case.

QUESTION 3

According to the court in the case of Banks v. Good fellow [1870] L.R. 5 Q.B. 549 at 565, to be said to possess a sound mind and memory: “It is essential ... that a testator shall understand the nature of the act and its effects; shall understand the extent of the property of which he is disposing; shall be able to comprehend and appreciate the claims to which he ought to give effect; and, with a view to the latter object, that no disorder of the mind shall poison his affections, pervert his sense of right, or prevent the exercise of his natural faculties – that no insane delusion shall influence his will in disposing of his property and bring about a disposal of it which, if the mind had been sound, would not have been made”. The testator must also not suffer from any mental disease that may impair his understanding or suffer from any delusions whatsoever. Discuss with respect to the different types of Will.

QUESTION 4

On the 5th of June 2021, Mr Sunday came to your office for a legal advice on an issue that bothers his mind. He disclosed to you in confidence the following to you: that he has many properties that are spread all over the country and millions of naira in two major banks in Nigeria. He has on three grown up children, two females and other male. He is disturbed about the extravagant life style that the only son he has is living and what happens after his death to his properties. As a lawyer, after the discussion, you advised him to have a will that will show his intention of how he wants his property to be shared even after his death. He agreed and by the end of December 2021, he already had a will. In January 2022, he came back to you that he needed to make some correction on the said will, for reasons best known to him. In which circumstances can a will be revoked or cancelled.

QUESTION 5

a. Mallam Sule, a Muslim, hails from Bauchi State of the northerner part of Nigeria and resides there with his four wives and twelve children (4 males and 8 females). Last week Friday, he came home very tired and decided to go to bed without taking the dinner that was prepared by his first wife. Two hours later, one of the wives went to wake him up and persuaded him not to sleep with empty stomach, but the man was discovered dead. He is survived by four wives and twelve children. The man died intestate. How will the man’s property be shared?

b. Females are at a disadvantage in matters of succession in Igbo land in cases of intestacy. How true is this assertion?

QUESTION 6

Clearly consider the following:

- a. The Nature and Character of a Will
- b. Persons qualifies to make a Will
- c. Statutory Requirements of a valid Will