



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

COURSE CODE: PPL 423

COURSE TITLE: LAW OF EQUITY I

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

Advise John, who owns a medium-sized hotel, on the following matters:

- (a) He has engaged Frayo on a self-employed basis for three months from 1 February to redesign the business's website and to assist with marketing the hotel in preparation for the Ramadan festive season. Frayo had worked on this project for two months but on 1 April, he rang John and told him that he was not going to continue any longer as he had obtained a 'very lucrative job' in Ukraine which he felt that he could not turn down. John feels that it is too near to the peak season of the hotel to engage anyone else and he wishes to obtain a court order to compel Fred to work for the remaining month. **(15marks)**
- (b) Rossy, a guest who stayed at the hotel for a long time and owes N1, 779,000.00 in accumulated feeding, lodging and servicing bills. John intends to bring proceedings against her to claim this sum but has learned that, very shortly, she intends to sell her 82 carat gold ring and her Rolex watch which he believes are her main assets. If it is sold then, even if John wins the case, Rossy is likely to have no assets to satisfy the judgment. Is there any action which he can take to prevent the sale of the jewelries? **(10marks)**

QUESTION 2

Kanu and Wushishi jointly own their house, 12 High Road Minister's Hill, Abuja. Fred also owns a building business which he wishes to expand. He asks his bank, Olive Loans and Savings Nig Ltd., for a loan of N10m and Oliver says that this will be possible but only if the mortgage on the house is extended to provide security. Oliver, the Bank Manager, tells Kanu that Wushishi will have to agree to this and, knowing that she will not be keen on the idea, Kanu tells her that the loan is only for 'no more than N500,000' to cover some extensions to his workshop. Oliver

says that Wushishi can only sign once she has had advice from a solicitor and that Oliver's own son, Jake, can do this. Wushishi almost always takes Kanu's advice on financial matters and so, when Jake says 'There's nothing to worry about, love', she willingly signs the mortgage deed. Kanu is now bankrupt and Olive Loans and Savings Nig Ltd. is seeking to enforce its security. Advise Wushishi on whether she has any ground to resist the bank.

QUESTION 3

'Equity varies with the length of the Chancellor's foot' (John Seldon, Table Talk (1689)). **Discuss in relation to the problems with equity.** How did equity resolve this problem?

QUESTION 4

From your knowledge of the evolution, impact and influence of equity, summarise the operations of equity?

QUESTION 5

Discuss the maxim which, in your opinion and your knowledge of equity, is the central governing principle of equity.

QUESTION 6

If you were acting for the claimant in an application for an ex parte injunction, what would be the advantages to your client of obtaining an order?