



NATIONAL OPEN UNIVERSITY OF NIGERIA PLOT 91, CADASTRAL ZONE,
NNAMDI AZIKWE EXPRESS WAY, JABI, ABUJA FACULTY OF LAW
2023_2 EXAMINATIONS_

COURSE CODE: PPL 344
COURSE TITLE: FAMILY LAW 11
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

Custody of children is one of the ancillary reliefs provided for under section 71 of the MCA. In considering an application for the award of custody, courts have discretion to make orders that are in the best interest of those children. In doing this, the courts rely on a number of factors like the age and sex of the children; the wishes of the children; the social, religious, moral and educational welfare of children; equality of the parents; conduct of the parties to the marriage; the financial status of parties; and the arrangements for the general care of the children. Having taken these factors into consideration, courts can then decide whether or not and/or to whom custody of children may be given. Custody may be awarded to either or both parents of children or in appropriate cases to a third party completely. Niyi (husband) and Pemi (wife) are in court regarding the custody of their children. Pemi is concerned about the different types of custody orders that the court can make in pursuit of the paramount interest of their children. Address his concern.

QUESTION 2

a. Property, within the context of statutory marriage means almost anything of value; and this usually includes land, furniture, money, vehicles, household goods, insurance policies, intellectual property; debts due to the spouses, equities in respect of potential compensation claims, long service leave entitlements, partnership interests, entitlements as beneficiaries of a trust or a will, etc. Matrimonial property that is subject to settlement thus includes anything of value owned by either spouse at the date of their separation, but does not include property acquired after separation. Examine with respect to the concept of settlement of property, the parties to settlement and the nature of property to be settled.

QUESTION 3

Nigerian courts are unanimous in their opinion that though irretrievable breakdown is the sole ground of divorce in Nigeria, the court cannot make a finding of irretrievable breakdown of marriage in the absence of proof of any of the facts specified under sections 15(2) (a) – (h) and 16(1) of the MCA.. However, any of the sections, when relied upon must be proven and well established. The court will not just accept that a marriage has broken down irretrievably, except there are facts that establish it. How can a petitioner successfully proof or establish willful and