



**NATIONAL OPEN UNIVERSITY OF NIGERIA**  
**FACULTY OF LAW, DEPARTMENT OF PRIVATE AND PROPERTY LAW**  
**Plot 91, Cadastral Zone, Nnamdi Azikiwe Express Way, Jabi – Abuja**  
**2022\_1 Examination**

**COURSE CODE: PPL323**

**COURSE TITLE: LAW OF TORTS 1**

**TIME ALLOWED: 3 HOURS**

**INSTRUCTION: ANSWER QUESTION 1 AND ANY THREE (3) OTHER QUESTIONS. QUESTION ONE CARRIES 25 MARKS, OTHERS CARRY 15 MARKS EACH.**

1. Ike was in his house when with his quarrelsome neighbour Eloka entered his house with an armed policeman Sergeant Goodluck. He requested Eloka to leave his house but he insisted that he has to stay to avoid the flood water that has entered his own (Eloka's) house. As the argument ensued, the policemen drew his gun pointing it at Ike and warning him about the breach of peace. Mr Ike's wife has been on bedrest for some days on her doctors advice. She overheard the exchange of words and entered the living room to find out what was happening. Mrs Ike entered the living room at the point when the policeman was pointing the gun at Mr Ike (her husband). On sighting the gun she screamed, 'somebody help'! and passed out. She was rushed to the hospital. She had an emergency caesarean operation to bring out the baby, had some complications during surgery as the doctor who handled the surgery didn't know her medical history which included the fact that she was allergic to Aspirin. She reacted badly to the drugs because of the Aspirin contained in one of the drugs. She had developed 'bumps' all over her body and the hospital has told her that she will need to undergo cosmetic surgery at a cost of 7 million naira to regain her smooth body. Within the two weeks that she stayed at the hospital Mr Ike's blood pressure rose so much that he was equally hospitalized. He resumed work after his discharge from hospital only to collapse the following day at his office, Nira Petroleum Ltd. The management of Nira Petroleum considered this as a sign that he is no longer fit for the job and relieved him of the job. Mrs Ike is the only child of her mother. When her mother heard about collapse and sudden hospitalization, she went to the hospital. On seeing the Mrs Ike in the intensive care with tubes all over her body she fainted, had trauma and is still undergoing treatment at the hospital for some heart conditions. Mr Ike is threatening to go to court to recover the medical bills that himself and wife had to pay and also for his loss of job. Advise him.
  
2. Zedane has been a very careful person. Recently he asked his driver to take the car for the MOT test which he did. Last Sunday the rain was very heavy and visibility very poor. When Zedane suddenly approached the zebra crossing he lost the car brake and hit Abike who did

not wait for the traffic light to invite her unto the road . Abike was seriously injured. Zedane's dog in the car was also injured. Abike has brought an action against Zedane.

- a. Using decided cases discuss the essential elements of negligence
  - b. What are the defences available to Zedane
- 3a. With the help of decided cases discuss five defences to an action for trespass to person.
- b. When can a plaintiff maintain an action for the tort of detinue?
4. With the help of decided cases discuss the tort of trespass to chattel in Nigeria
5. Outline the characteristics of torts which constitute trespass to the person?
6. Cardiff had a quarrel with his master who later reported the matter to the police for assault. While the police was foot dragging with criminal proceedings Cardiff's master brought civil action claiming damages for assault and battery. Cardiff contended that the civil action could not proceed as criminal charges had not been filed by the police. What are Cardiff's chances of succeeding in his defence?