



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_2 POP EXAMINATION

COURSE CODE: PPL344

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. OTHERS ATTRACT 15 MARKS EACH)

QUESTION 1

Ige and Mart love each other and decided to get married. They filed a notice at the Ikoyi Marriage Registry on 15th March 2020 and their marriage was fixed for 7th August 2021 at Sheraton hotel. Ige's ex-girlfriend, Asha, heard that their notice of marriage had been pasted and decided to oppose the marriage. This she did by paying for an advert to be placed in the papers, stating her objection to the marriage on grounds that she had taken a blood vow with Ige and that an introduction ceremony had taken place between them. The advert was delayed and was not published till the morning of 7th August 2021. Ige and Mart forgot to obtain the registrar's certificate but were reminded on the morning of their wedding so Eddy, Ige's best friend, helped them collect it the next morning. Asha, hearing that the wedding still took place as planned has come to you to institute a petition for nullity of marriage against Ige and Mart. Discuss the legal issues arising from the above facts.

QUESTION 2

Aram and Saki got married in 2015 and have remained childless since then. Aram's mother and sisters have made life unbearable for Saki. One day, Saki's mother-in-law told her that Aram had a child when he was a youth cooper in 2012, but denied it. On hearing this, Saki decided to secretly visit a gynecologist who confirmed that she has no fertility problem and that the problem is likely to be from the husband. She decided to confirm this and so she arranged a woman, Hala, to have an affair with the husband. To her surprise, Hala came back after 4 weeks that she is pregnant. Saki was so ashamed that she told her husband to make sure that Hala immediately terminates the pregnancy, but the husband refused. Aram decided to rent another apartment for Hala. Last year Aram moved out of his matrimonial home to live with Hala and has not returned. Saki complained to Lot, Aram's best friend, who advised her to move in with Aram and Hala, but she refused. Saki is thinking of divorcing Aram on the ground of intolerable adultery. Aram is also contemplating a divorce Saki on grounds of desertion. Discuss the legal issues.

QUESTION 3

Customary law being a mirror of accepted usage, a customary marriage is only voidable at the instance of either party to the marriage. With the aid of relevant case law or statutory authority, clearly examine the correctness or otherwise of this statement.

QUESTION 4

Banky and Ama got married according to Igbo native law and custom in October 2015 and barely a year later, Ama gave birth to a son to Banky's delight. Soon thereafter, Banky got a job offer in the United Kingdom which he accepted. He left for UK when the baby was just 1 month old. When he got to UK, Banky was convinced that to obtain his residence permit, he had to marry a citizen so he asked Ama to fill a form divorcing him in a High Court. This she did in 2017 and he presented same at UK as proof of his divorce. Thereafter, he married Asha and obtained his residence permit in 2018. Thereafter, he divorced her in 2019. In the meantime, Ama got tired of waiting for Banky and accepted Abi's advances and moved into his house. In 2021, Banky returned to Nigeria but Ama refused to go back to Banky reminding him that she divorced him in 2017. Advise the parties on the legal implications of their actions.

QUESTION 5

Chief Mity has filed for divorce from his Wife, Madam Mity who, though not opposed, seeks sole custody of Tola, their 5 year old child. Chief Mity has opposed her application stating that Tola will do better with him as he has the financial means to ensure that she gets the best education in any part of the world and is 'spoilt' with all the good things of life. He has gone on to point out that without him, Madam Mity will not be able to maintain Tola, because she is a petty trader. With the aid of decided cases, discuss the factors that the court will consider in determining who should be given custody of the child?

QUESTION 6

The rationale for making condonation an absolute bar in a divorce petition is that it would generally be inequitable to permit a spouse who has forgiven an offence to go back on the decision. It is not automatic to raise condonation as a bar under a petition for divorce, certain elements must be present: Discuss.