



**NATIONAL OPEN UNIVERSITY OF NIGERIA**  
**FACULTY OF LAW, DEPARTMENT OF COMMERCIAL LAW**  
**lot 91, Cadastral Zone, Nnamdi Azikiwe Express Way, Jabi – Abuja**

**2023\_1 POP EXAMINATION...**

**COURSE CODE:** CLL233

**COURSE TITLE** LAW OF CONTRACT 1

**CREDIT UNITS:** 4

- INSTRUCTIONS:**
- (a) Indicate your Matriculation Number clearly
  - (b) Attempt Question one (1) and any other three (3) questions
  - (c) Question one (1) is compulsory and carries 25 marks; while the other questions carry 15 marks each.
  - (d) Using appropriate statutory and judicial authorities, present all your points in a straightforward, coherent and orderly manner.
  - (e) **Total available score is 100%** of which: TMA carries **30%**; Exam carries **70%**

**TIME ALLOWED:** 3 Hours

---

**QUESTION 1:**

Mr Boda Solanke is a very popular, wealthy and renowned philanthropist. One of his boys (Bala) conspired with other yahoo boys in their neighborhood and duped him the sum of N10, 000, 000.00 (Ten Million Naira Only). Moreover, on getting to know what happened, he decided to hire Bob Maikare (a hardened criminal) to kill Bala and all his accomplices at the sum of N500, 000.00 (Five Hundred Thousand Naira Only). Bob Maikare went ahead and killed Bala and all his coconspirators as agreed. However, Mr Boda refuses to pay Bob Maikare the money. Now Bob Maikare sues Mr Boda for the money.

With the aid of relevant judicial authorities, discuss the prospects or otherwise of Bob Maikare's suit. (25marks)

**QUESTION 2:**

Alhaji Sani is the Managing Director of Madaci Traditional Medicine Co. Ltd. (a leading traditional medicine producing company in Nigeria). The company has made a public announcement that it has produced a traditional medicine that is very effective in curing ulcer. The company also added that the said

medicine is tested and trusted by many people, home and abroad. Sometimes last year, the company offered the sum of N250, 000.00 (Two Hundred and Fifty Thousand Naira Only) to anyone who takes its medicine for three consecutive weeks and his/her ulcer is not completely cured. This offer was aired in many local and international radio stations. However, on the 14<sup>th</sup> February, 2022, Oga Buba from Damaturu, Yobe State, purchased the medicine from one of the company's authorized dealers in the State, used it for three good weeks consecutively as prescribed and his ulcer was not cured. Oga Buba now sues Madaci Traditional Medicine Co. Ltd for the money (N250, 000.00).

Citing relevant judicial authorities identify and discuss whether Oga Buba's legal action would succeed or not. (15marks)

**QUESTION 3:**

Discuss the legal position in respect of a contract entered into by a drunken person. (15marks)

**QUESTION 4:**

Comment fully on the common law approach to the concept of exemption clauses. (15marks)

**QUESTION 5:**

- (a) What do you understand by the concept of unequal bargaining power? (10marks)
- (b) Enumerate the main requirements/elements of a valid contract. (5marks)

**QUESTION 6:**

Write short note on the following;

- (a) Express terms. (5marks)
- (b) Implied terms. (5marks)
- (c) Custom and usage. (5marks)