

the Act. In 2016, Mr Andre's marriage to Janemena was threatened by the latter's close relationship with her best friend's husband, Pkopkogri. Janemena has constantly denied Mr Andre consortium due to the latter's incapacity to consummate. Mr Andre believes his wife is committing adultery with Mr Pkopkogri. In the case of Tonto Dike, she is tired of her marriage to Pkopkogri due to the latter's refusal to consummate the marriage. Mr Andre is desirous of dissolving his marriage on the suspicion that his wife is committing adultery while Tonto Dike is desirous of dissolving her marriage on ground of her husband's incapacity to consummate.

With the aid of statutory and judicial authorities, answer the parties on the following:

- How can Mr Andre establish or prove a case of adultery against Janemena? 5marks
- Advice Tonto Dike on how she can prove the existence of a statutory marriage between her and Pkopkogri? 4 marks
- Give a conceptual difference between refusal to consummate and incapacity to consummate and its legal implication in any marriage 4 ½ marks
- Assuming Mr Andre intends to file for dissolution of his marriage with Janemena on ground of adultery, who are the proper parties to the suit? 4 marks

17 ½ marks

- Mr Femi and Ranti are both indigenes of Ondo State. They both met on Twitter social media Platform in 2017. While Femi lived in Ohio in the USA Ranti lives in Ondo State. Their love went deeper as they both agreed to be married. Sometimes in September, 2019, Ranti was invited on all expenses paid trip to Ohio to visit Femi where she spent two weeks and returned to Nigeria. It was three months following the visit that Ranti discovered she was pregnant for Femi. Ranti's parent immediately informed her to bring her husband in order to commence all the marriage rites between them. Unfortunately, Femi did not make it down to Nigeria due to Covid-19 international travels restrictions in 2020. Therefore, they opted to celebrate their marriage via zoom. The marriage was officiated by registrar in his office while the parents of the parties were in their respective places of abode. In 2022, Femi visited his wife in Nigeria and she opted to officially meet his wife's parents only to realize that Ranti is Femi's father's step brother's daughter.

As a student of family law, comment on the following with the aid of judicial and statutory authorities:

8 ½ marks

3marks

2 marks

JOSEPH AYO BABALOLA UNIVERSITY
COLLEGE OF LAW
HARMATTAN (1st) SEMESTER EXAMINATION FOR 2021/2022 SESSION

Course Title: Family Law I
 Course Code: PPL 313
 Time Allowed: Three (3) hours

INSTRUCTION: ANSWER ANY FOUR QUESTIONS

1. Lateef Adedmeji and Wumi Toriola have been lovers since their secondary school days and they graduated in 2008 at ages 15 years and 14 years respectively. Before graduation, Wumi had lost her virginity to Lateef. She became apprehensive that Lateef may not marry her so they entered into contract to marry which was subject to the condition that Wumi shall bag a bachelor degree from Obafemi Awolowo University. In 2016 Lateef met Adebimpe Oyebade in Cubana night club during Ibrahim Chattah's Bachelor's eve and fell in love with her. Adebimpe informed Lateef she was pregnant for one Kunle Afolayan who had abandoned her and eloped abroad but Lateef insisted he would marry her and take care of the child as his own. Sometimes in 2017 they both married under Act to the knowledge of Wumi Toriola. In 2018, Wumi Toriola bagged a law degree from Joseph Ayo Babalola University. Wumi has now informed Lateef of her readiness for marriage and that the terms of the contract to marry between them are given life to otherwise she would maintain an action on breach of contract to marry. Lateef on the other hand insisted that the contract was unenforceable. When the pressure on Lateef became so much, he decided dissolve his marriage with Adebimpe on ground that prior to the marriage Adebimpe was pregnant with another man's child hence the marriage was void.

With your background knowledge on family law, answer the following questions with aid of judicial and statutory authorities

- a. Advise Lateef and Wumi on the enforceability or otherwise of the contract to marry between them 6 marks
- b. Advise Wumi on the vital elements she must establish for her claim of breach of contract can be sustained before any court of law 4 marks
- c. Advise Lateef on the whether the court can declare his marriage with Adebimpe void on ground of her pregnancy for another man prior to the marriage. 4 marks
- d. Assuming the contract to marry was under the customary law, what is the legal consequence of a breach of promise to marry under customary law? 3 ½ marks
17 ½ marks

2. Janemena and Tonto Dike have been friends since 2013 when they met a mutual friend's party. In 2015 they both got married to their respective partners. While Janemena married Mr Andre, Tonto Dike got married to Mr Kpokpogri under the Igbo customary law and

JL 321
CRIMINAL LAW II

hours

4 QUESTIONS IN ALL

with a critical evaluation of the two sides of the positions and identifying with any of the position you consider more valid with reason. Your reason must be supported with statutory and or judicial authorities
17 ½ marks

6. a. List four ways of termination of guardianship?
b. Who can appoint a guardian under customary law?
c. Write briefly on the following:
i. Sexual abuse
ii. Economic abuse
iii. Physical abuse

17 ½ marks

JOSEPH AYO BABALOLA UNIVERSITY
IKEJI-ARAKEJI, OSUN STATE
COLLEGE OF LAW

SECOND SEMESTER EXAMINATION FOR 2022/2023 ACADEMIC SESSION

COURSE TITLE: FAMILY LAW II

COURSE CODE: PPL 323

INSTRUCTION: ANSWER QUESTION ONE AND ANY OTHER THREE QUESTIONS

TIME ALLOWED: 3 HOURS

6

1. Chief Bode Williams of Plot 625, Emerald Estate, Kaduna State died testate in 2010 but prior to his death, he instructed Mr Olumide his lawyer to write his Will for the distribution of his properties among his two children and wife. He asked his wife (Adetutu Williams) and his first son (Adebayo Williams) to attest to the Will. He further instructed that Mr Olumide should be paid the sum of N10, 000, 000 as professional fee for the work done in the administration of his estates. The Will was attested by the testator on the 12th day of March, 2008.
 - a. Draft the Introductory, Charging, and Attestation Clauses of Chief Bode Williams' Will. **6 marks**
 - b. The testator before his death had instructed Mr Olumide to burn or tear up the Will which Olumide did. Adetutu is challenging that the revocation was invalid. Comment. **5 marks**
 - c. Would your answer in (b) have been different assuming the destruction was made in the presence of the testator? **3 marks**
 - d. Comment on the attestation to the Will by Chief Bode Williams' wife and son. **3 ½ marks**
2. Discuss the legal framework of domestic violence in Nigeria. **17 ½ marks**
3. a. With the aid of judicial and statutory authorities, discuss the rules applicable to the settlement of property individually acquired by parties to a marriage before and after marriage. **10 marks**
b. What is the procedure for adoption in Nigeria **7 ½ marks**
4. a. Elucidate extensively the legal effects of adoption in Nigeria **10 marks**
b. Discuss the following:
 - i. Third-Party Custody
 - ii. Temporary Parental Custody
 - iii. Physical custody**7 ½ marks**
5. The concepts of illegitimacy under the Nigerian law, is one of the most widely debated subject. The debate has been premised on the right of a child born outside wedlock to inherit his father. Notwithstanding the provision of Section 42 of the Constitution of the Federal Republic of Nigeria, 1999, this debate persists. The Constitution of Nigeria has diverted the dimension of the debate to whether or not the concept of illegitimacy has been eroded by Section 42. As students of the Nigerian Family Law, discuss the concept

marriage formalities with the issuance of notice of marriage. They could not celebrate the marriage until 3 months and one day after the date of notice due to Jezebel's health issues. On the date of the marriage celebration while the marriage had commenced at the City of David Bible Church being the place licensed for the celebration of the marriage, the area boys attacked the church hence the officiating minister quickly took the Samson and Jezebel to New Jerusalem Bible Believing Church, his friend's church to finish the celebration. Unfortunately, Delilah saw Samson and Jezebel at the New Jerusalem Bible Believing Church and objected to their marriage on the ground that Samson had already promised her marriage which they both executed in writing. Also, Jezebel's parents stormed the church informing the officiating minister that their consent was not obtained before Samson and Jezebel took the bold step of celebrating their marriage. Notwithstanding the objections, the officiating minister joined them together and issued them the marriage certificate. Six months later, a text message popped on Jezebel's phone while she went to the kitchen to prepare dinner. Samson, took the phone to read out the text to his wife only to discover that Jezebel had been previously married with one child in the U.S.

12 ½ marks

Identify and resolve the legal issues in this scenario

- b. List five (5) factors that can vitiate a statutory law marriage 5 marks

4. According to Lord Penzance, marriage is a union between a man and a woman to the exclusion of all others. With recent development, the definition of marriage has expanded to include marriage between people of the same sex. Discuss extensively the legality of same-sex marriage in the U.S., U.K. and Nigeria respectively. Incorporate in your discourse the relevance of the cases of *Obergefell v Hodges (2015) 576 U.S. 644* and *Goodwin v United Kingdom (2002) 2 FLR 487* to the metamorphosis in the definition of marriage in the US and UK 17 ½ marks

5. a. With the aid of judicial and statutory authorities discuss the difference between incapacity to consummate and refusal to consummate with emphasis on the legal effect of each on statutory marriage. 9 ½ marks

- b. Identify three (3) differences between void and voidable marriages. 3 marks

- c. How can a party prove a valid statutory marriage? 2 marks

- d. What is/are the proof of a valid customary law marriage? 3 marks

6. Write short notes on the following
 - a. Caveat 4 marks
 - b. Special licence 4 ½ marks
 - c. Bride Price 4 ½ marks
 - d. Formal Handing over 4 ½ marks

JOSEPH AYO BABALOLA UNIVERSITY

IKEJI-ARAKEJI, OSUN STATE

FIRST SEMESTER EXAMINATION FOR 2023/2024 ACADEMIC SESSION

COURSE: FAMILY LAW I

COURSE CODE: PPL 313

TIME ALLOWED: 3 HOURS

INSTRUCTION: ANSWER ANY FOUR QUESTIONS

1. Samson and Esther married under the Act sometime in 2016 at the Ikoyi Marriage Registry, Lagos State. However, in 2023 Samson met Delilah on one of his trips to Florida in the United States of America and fell in love with her. He desires to divorce Folake to marry Delilah more importantly on the reasonable suspicion that Esther is infidel.

With the aid of statutory and judicial authorities

- a. Advise Samson on the ground he must establish to dissolve his marriage to Esther.

3 marks

- b. Identify and discuss (5) possible facts that Samson may have to establish to prove the ground (s) in "a" above.

9 ½ marks

- c. What court would you advise Samson to approach for the dissolution of his marriage?

2 marks

- d. Would it be necessary for Samson to file for divorce if his marriage to Esther was void abinitio?

3 marks

2. John and miss Janet met in 2018 at the Jabi Lake in Abuja on the Valentine Day and fell in love at first the sight of each other. John has proposed to marry her under the Ijaw customary law but Janet has always dreamt of celebrating her marriage under the Ijaw customary law and the Act though she is ignorant of the how she can realise her dream marriage and its legal effects. Miss Janet has now approached you as her neighbour fully aware that you are an intelligent Family Law student of Joseph Ayo Babalola University. Advise her exhaustively on what she can do to fulfill her dream.

17 ½ marks

3. a. Samson and Delilah who were matured looking adults were lovers during their secondary school days. They finished secondary school at age 17 years and 15 years respectively. On their graduation day, Samson informed Delilah that his father had secured a Visa for him to further his education abroad. However, in order to allay Delilah's fear, they voluntarily executed an agreement in writing to marry each other at the conclusion of their degrees in the university. Samson met Jezebel a beautiful American-Nigerian in the UK and both started dating. Consequent upon their graduation, they came to Nigeria to celebrate their marriage under the Act. They commenced the

judicial and statutory authorities

- a. Advice Lateef and Wumi on the enforceability or otherwise of the contract to marry between them **6 marks**
- b. Advice Wumi on the vital elements she must establish for her claim of breach of contract can be sustained before any court of law **4marks**
- c. Advice Lateef on the whether the court can declare his marriage with Adebimpe void on ground of her pregnancy for another man prior to the marriage. **4 marks**
- d. Assuming the contract to marry was under the customary law, what is the legal consequence of a breach of promise to marry under customary law? **3 ½ marks**

17 % **3**

2. Janemena and Tonto Dike have been friends since 2013 when they met a mutual friend's party. In 2015 they both got married to their respective partners. While Janemena married Mr Andre, Tonto Dike got married to Mr Kpokpogri under the Igbo customary law and

the Act. In 2016, Mr Andre's marriage to Janemena was threatened by the latter's close relationship with her best friend's husband, Kpokpogri. Janemena has constantly denied Mr Andre consortium due to the latter's incapacity to consummate. Mr Andre believes his wife is committing adultery with Mr Kpokpogri. In the case of Tonto Dike, she is tired of her marriage to Kpokpogri due to the latter's refusal to consummate the marriage. Mr Andre is desirous of dissolving his marriage on the suspicion that his wife is committing adultery while Tonto Dike is desirous of dissolving her marriage on ground of her husband's incapacity to consummate.

With the aid of statutory and judicial authorities, answer the parties on the following:

- a. How can Mr Andre establish or prove a case of adultery against Janemena? **5marks**
- b. Advice Tonto Dike on how she can prove the existence of a statutory marriage between her and Kpokpogri? **4 marks**
- c. Give a conceptual difference between refusal to consummate and incapacity to consummate and its legal implication in any marriage **4 ½ marks**
- d. Assuming Mr Andre intends to file for dissolution of his marriage with Janemena on ground of adultery, who are the proper parties to the suit? **4 marks**

3. Mr Femi and Ranti are both indigenes of Ondo State. They both met on Twitter social media Platform in 2017. While Femi lived in Ohio in the USA Ranti lives in Ondo State. Their love went deeper as they both agreed to be married. Sometimes in September, 2019, Ranti was invited on all expenses paid trip to Ohio to visit Femi where she spent two weeks and returned to Nigeria. It was three months following the visit that Ranti discovered she was pregnant for Femi. Ranti's parent immediately informed her to bring her husband in order to commence all the marriage rites between them. Unfortunately, Femi did not make it down to Nigeria due to Covid-19 international travels restrictions in 2020. Therefore, they opted to celebrate their marriage via zoom. The marriage was officiated by registrar in his office while the parents of the parties were in their respective places of abode. In 2022, Femi visited his wife in Nigeria and she opted to officially meet his wife's parents only to realize that Ranti is Femi's father's step brother's daughter.

As a student of family law, comment on the following with the aid of judicial and statutory authorities:

- a. The validity of such virtual marriage under the Marriage Act **8 ½ marks**
- b. On the status of the marriage between Femi and Ranti who is Femi's father's under the Marriage Act **3marks**
- c. If Femi still desire to be validly referred to as husband and wife, when to legalise the marriage between them? **2 marks**