



OLABISI ONABANJO UNIVERSITY, AGO-IWOYE

CENTRE FOR CONTINUING EDUCATION (CCED)

FACULTY OF LAW

PROGRAMME: DIPLOMA – IN- LAW

SESSION: 2017 / 2018

SEMESTER: HARMATHAN

COURSE TITLE: CIVIL PROCEDURE

COURSE CODE: DIL 202

HARMATHAN SEMESTER EXAMINATION QUESTIONS

**INSTRUCTION:** ANSWER ANY FOUR QUESTIONS. ALL QUESTIONS ATTRACTS EQUAL MARKS.

**TIME ALLOWED:** TWO AND A HALF (2 ½ ) HOURS

1. Jurisdiction refers to the adjudicatory competence of a Court of law while civil jurisdiction refers to the adjudicatory powers exercisable by Courts over civil matters in dispute between individuals; individuals and government, or between governments which results in award of damages, compensation, declaration of rights and, or, prerogative remedies.
  - (a) Briefly discuss the composition of the Supreme Court of Nigeria. ( 08 marks)
  - (b) Briefly discuss the jurisdiction of the Supreme Court of Nigeria. ( 09 ½ marks)
2. The decision of Courts in a civil action are binding on the parties to the suit. It is important that the appropriate persons are made parties to a suit. In some instances, suits may be brought in a representative capacity.
  - (a) List and briefly discuss the types of parties to a civil suit. ( 05 ½ marks)
  - (b) What are the fundamental principles and conditions governing suits brought in a representative capacity? ( 12 marks)
3. Mr. Raji intends to institute a civil action against Mr. Busari at the Ogun State High Court of Justice. Mr. Raji must comply with the provisions of the Ogun State High Court (Civil Procedure) Rules which stipulates that all processes / documents to be relied upon in a matter must be front- loaded.
  - (a) List the documents/ processes that must be front – loaded along with the originating papers in accordance with the Ogun State High Court (Civil Procedure) Rules. ( 08 marks)



- (b) If the same suit is to be initiated in the Abuja Judicial Division, will there be any difference as to the documents to be front-loaded and filed? .( 09 ½ marks)
4. Mrs. Biola instituted a civil action as the Plaintiff against Mr. Dansuki as the Defendant before the High Court of Oyo State, Ibadan Judicial Division. On the date specifically fixed for the hearing of the matter in court, both the Plaintiff and the Defendant failed to appear in court.
- (a) What can the Court do in the circumstances? .( 05 marks)
- (b) Will your answer in (a) above be different if the Plaintiff is represented in Court by a Legal Practitioner that day? .( 05 marks)
- (c) A Written Address must contain some essential items. Enumerate those items. .( 07 ½ marks)
5. (a) What is a judgment? .( 05 marks)
- (b) Briefly explain the term '*functus officio*' in relation to a judgment. .( 07 ½ marks)
- (c) Mention the types of Court judgments recognized by the law. .( 05 marks)
6. Write short notes on any three out of the following:
- (a) An Affidavit.
- (b) A Counter – Affidavit.
- (c) A Further and Better Affidavit.
- (d) A Further- Further Affidavit.
- (e) An Affidavit of Service.