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OLABISI ONABANJO UNIVERSITY, AGO-IWOYE
FACULTY OF LAW

NAME OF EXAMINATION: RAIN SEMEMSTER, 2017/2018 SESSION
COURSE: LAW OF TORTS II
COURSE CODE: PRL 311
INSTRUCTION: ANSWER ANY FOUR QUESTIONS
TIME ALLOWED: 2^{1/2} HOURS

Sade and Tola have been friends since childhood. After graduation at Great Heights University, both of them were posted to Ekiti State for their National Youth Service. Upon completion of the youth service, Tola was employed by MiddleCity Bank Plc and subsequently by Topmost Bank. Sade however, kept on seeking for a job and was unable to secure any. Sade and Tola met at a friend's birthday party. Tola noticed that Sade had lost a lot of weight and was much slimmer than she used to be. She then told their friends at the party that Sade must have contacted HIV disease, stating that since she was yet to be employed, she must have resulted to some sort of prostitution in order to make ends meet. Tola urged friends to keep away from Sade so as not to contact the disease. Disturbed by this incidence, Sade informed her brother, Supo who was the editor of 'Capable Newspaper' of what Tola said about her. Supo promised to deal with Tola and subsequently published in the Capable Newspapers the following day, that Tola was dubious and was dismissed from Middlecity Bank Plc because she was involved in some fraud.

Discuss the legal issues in the above matter. (17½ marks)

2. Folu who lives at the Oleku GRA, Oke-Ilewo, Ogun State keeps a poultry in his compound. He equally runs a transport business using a fleet of trailers.. The offensive stench from the poultry and the noise of the fowls have been giving his neighbours a lot of concern for months. Again, the noise from his fleet of trailers when the engines of the trailers are cranked in the morning coupled with the fumes emanating from the trailers' silencers has become a source of discomfort and distress to his neighbours. Advise:

- i. Sola, Folu's next door neighbor (6 marks)
- ii. Members of the GRA Community Development Association. (6 marks)
- iii. Attorney General of Ogun State (5½ marks)

3. The tort of deceit consists in the act of making willful or false statement with the intent to defraud or cause harm to the plaintiff. Discuss with the aid of relevant decided cases. (17½ marks)

4. Chief Opoko is the Managing Director of Opoko Company Limited. He is also the Chairman, Landlord Association of Kosija Estate, Ibadan. As a result of his love for animals, Chief Opoko has a zoo within his compound where he rears tigers, leopards, horses and crocodiles. He has three attendants who take care of these animals. One day, while attempting to clean the leopard cage, the leopard attacked Sola, one of the attendants thereby injuring him.

The leopard escaped out of the compound and attacked a passer-by; Chuks who was bitten. The leopard bit off a chunk of his flesh and clawed his eyes leaving him seriously wounded. Sola and Chuks have contacted you for advice on all the legal issues arising from the above scenario. Advise them. (17½ marks)

5. Chief Ayelabowo is an Abeokuta based business tycoon. He has a variety of vehicles which he gives out on hire. One Thursday afternoon, Ifedapo, one of Chief Ayelabowo's customers hired a lorry from him to convey some logs from Ibadan to Abeokuta. Chief Ayelabowo sent his driver; Folami to drive the lorry. In the course of the journey, due to the negligent driving of Folami, the lorry collided with Mr. Yemi's car, thereby damaging the car and injuring Mr. Yemi. Mr. Yemi intends to sue Chief Ayelabowo. Advise Mr. Yemi. (17½ marks)

6. Write comprehensive notes on the following:

- (i) Differences between public and private nuisance (4½ marks)
- (ii) Vulgar abuse (4½ marks)
- (iii) Any three defenses to the tort of defamation (4½ marks)
- (iv) The term "non-natural user" in the rule in *Rylands v. Fletcher* (1866) L.R. 1 Exch 265. (4 marks)

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