

***ADEMAYELOYE ADEAYO ADELEKE(LEAVING LEGACY BEHIND)***

**THE NIGERIAN LAW SCHOOL BAR PART II FINAL EXAMINATION**

**MULTIPLE CHOICE QUESTIONS**

**FRIDAY, 10<sup>TH</sup> JANUARY, 2020**

**1 HOUR**

**INSTRUCTIONS**

**CANDIDATES ARE TO ANSWER ALL QUESTIONS:**

**ALL ANSWERS MUST BE ON THE PROVIDED ANSWER SHEETS.**

**THE QUESTION PAPER MUST NOT BE RETAINED BY CANDIDATE.**

**IT MUST BE PLACED UNDER THE ANSWER SHEET BEFORE  
LEAVING THE EXAMINATION HALL**

**CIVIL LITIGATION**

Mr. Thomas Boris, a businessman of No. 10 Ojuelegba Road, Lagos requested in writing N5,000,000.00 (Five Million Naira) loan from LABO Microfinance Bank, Wall Street, Lagos and was granted. The term of agreement stated that the loan with interest should be repaid within 90 days from the date it was granted. Mr. Thomas Boris refused/neglected to pay back the loan after its due date.

Answer the following questions

1. The best and fastest court where this claim can be pursued is:

(a) District Court

(b) High Court.

(c) Small Claims Court/Magistrate Court

(d) Native Court

2. After the claim in the procedure you quoted above is issued by the Registrar of Court, it must be served within how many days?

(a) 21 days

(b) 14 days

(c) 10 days

(d) 7 days.

3. The defendant must respond within.....days to the claim failing which he will be deemed to have admitted the claim.

(a) 5 days.

(b) 7 days.

(c) 8 days.

(d) 10 days.

4. The defendant can enter a counter-claim of up to:

(a) N6,000

(6) N7,000.

(c) N8,000.

(d) N10,000

5. The hearing of the claimant the delivery of judgment must be concluded within:

(a) 180 days

(b) 120 days

(c) 90 days

(d) 60 days

During your externship programme, Mr. Dogo Yunus came to your office to brief your Principal about an action he want to institute in court, he stated that on 10 April, 2019 one Roand Giddy drove at top speed along the Eko Hotel Road, Victoria Island, Lagos and was also using his mobile phone at the same time. Roland Giddy ran into Mr Dogo' Prado Jeep which was occupied by his wife Mrs Raliat Yunus, their 7 years old Son, Taju Yunus and himself. The occupants of the Prado Jeep were severely injured and were admitted at the Goodwill Hospital, Victoria Island, Lagos for treatment. Mr. Dogo's Prado Jeep was also badly damaged. Mr. Dogo Yunus, his wife and son now want to institute an action in court to recover their hospital bill, repair the damaged Prado Jeep and also they want to claim damages for the pain and psychological trauma they suffered.

Answer the following questions

6. The propor parties in the action are:

(a) The Dogo Yunus family (Clamant) versus Roland Giddy (Defendant)

(b) Dogo Yunus, Mrs Raliat Yinus, Master Taju Yunus (Claimant) versus Roland

Giddy (Defendant)

(c) Mr. Dogo Yunus, Mrs Raliat Yunus, Master Taju Yunus suing by his guardian, Mr Dogo Yunus) (Claimant) versus Roland Giddy (Defendant)

(d) Mr Dogo Yunus, Mrs. Raliat Yunus, suing for themselves and their son Master Taju Yunus (Claimants) versus Roland Giddy (Defendant)

7. Assuming judgment was entered against the defendant and the defendant wants to prevent the immediate execution of the judgment, he shall apply

(a) By motion on notice for stay of proceedings

(b) By motion on notice for stay of execution

(c) By summons for Mareva Injunction

(d) By motion on notice for injunction pending Appeal

8. If the judgment debtor is making plans to migrate to Canada and is also planning to move all his assets away from Nigeria, the Claimant will have to apply

(a) By motion on notice for interim injunction

(b) Motion ex-parte for Mareva injunction.

(c) Motion on notice for Anton Piller Injunction.

(d) Motion ex-parte for interpleader summons

9. The originating process by which the Defendant will appeal against the judgment obtained in (7) above is:

(a) Respondent's Notice

(b) Brief of Argument

(c) Notice of Appeal

(d) Grounds of Appeal

10. The record of appeal will be compiled and transmitted to the appellate court within

(a) 9 months after service of the Respondent's notice

(b) 42 days after the filing of the Grounds of Appeal

(c) 60 days after the filing of the Notice of Appeal

(d) 60 days after the Judgment of the trial Court

Mr. John Pam died intestate on 1 January, 2019 leaving behind two children namely: Emmanuel Pam (35) and Victor Pam (30). The title document to his only property is in the possession of his Solicitor, Mr. Kingsley Mallam. While his letter of Administration is still being processed, his two sons have been disturbing Mr. Kingsley Mallam to give it the title document to them. Emmanuel Pam, the eldest son is laying claim to the title document being the first son. Mr. Kingsley Mallam is confused as to who to give the title document and he does not want to give it to the wrong person and neither does he want to continue to hold it. He has now approached the court to decide who to deliver the document to.

11. This kind of procedure is referred to as:

(a) Stakeholder interpleader

(b) Sheriff interpleader

(c) Court interpleader:

(d) Personal interpleader

12. Assuming you are Counsel to Mr. Kingsley Mallam, what will be your advice to him with respect to the title document?

- (a) Give it to Emmanuel Pam being the eldest Son.
- (b) Deposit it with the bank till Letters of Administration is granted.
- (c) Apply to court to order them to take necessary proceedings between/amongst themselves in order to determine who is entitled to take the title document.
- (d) None of the above

13. One of the following is not an essential fact for Mr. Kingsley Mallam to state in his supporting affidavit.

- (a) That the applicant has not colluded with any of the claimants
- (b) That he must show that the property is not in his possession.
- (c) That he has no interest other than charges for costs in the subject matter in dispute
- (d) That the applicant is willing to pay or transfer it as the court of Judge may direct.

14. Assuming both Victor Pam and Emmanuel Pam have gone to court regarding the matter, what step can be taken to prevent Mr. Kingsley Mallam from giving it to either of the parties?

- (a) Interlocutory injunction
- (b) Interim injunction.
- (c) Order of mandamus
- (d) Mareva injunction

15. Assuming the court makes an order that Mr. Kingsley Mallam gives the title documents to Victor Pam, how many days does Emmanuel Pam have to appeal?

- (a) 3 months
- (b) 90 days
- (c) 14 days.
- (d) 30 days

Miss Bolanle is a tenant in the property belonging to Mr. Peter Azi situate at No 22 Gwarimpa Estate, Abuja. It is a yearly tenancy commencing on 1st January, 2017. Miss Bolanle has been in default of payment of rent and Mr. Peter Azi has approached you to recover possession of the premises. The annual rent is 7,000,00.00(Seven Million Naira) only.

Now answer the following questions

16. One of the following must be served on Miss Bolanle in order to properly determine her tenancy

- (a) A 6 month notice to quit which must expire on 31st December
- (b) A 6 notice which must expire on 1st January
- (c) A 6-month notice which must expire at the end of January
- (d) A 7 days notice of owners intention to recover possession

17. Assuming upon being served with the document you have identified in 16 above to determine Bolanle's tenancy. What other document are you required to

serve on her

(a) Notice to quit.

(b) 7days Owners Intention to apply to court to recover possession

(c) Writ of summons

(d) Complaint as in form E

18. Assuming it has become necessary to go to court. In which of the following courts will you institute the action

(a) District Court, Abuja.

(b) Magistrate Court, Abuja

(c) Customary Court, Abuja

(d) High court of the Federal Capital Territory, Abuja

19. Assuming the scenario was in Lagos, in which Court would you have instituted the action

(a) High Court of the Lagos State

(b) Magistrate Court of Lagos State.

(c) Customary Court of Lagos State,

(d) None of the above

20. Assuming the action is instituted at the High Court of Federal Capital Territory, Abuja, by which form would you commence the action?

(a) Writ as in form G

(b) Complaint as in form F

(c) Originating summons.

(d) Originating motion



