



**400+ MULTIPLE
CHOICE QUESTIONS
ON ALL THE TOPICS IN**

CIVIL LITIGATION

**FOR NIGERIAN LAW
SCHOOL STUDENTS
WITH PRECISE
EXPLANATION ON
THE ANSWERS**

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&
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WEEK 3

COURTS WITH CIVIL JURISDICTION

Recently, in the light of the harsh economy caused by the Covid 19 Pandemic, the House of Assembly of Lagos State has, in order to maintain the lockdown directive of the President and generate income for the State, passed a law called Aircraft Prohibition Law, 2020, requiring all flights to Lagos State to pay N1, 000,000 as fine in breach of the lockdown order. The National Assembly is aggrieved feeling that the law is a clear usurpation of their power because matters of aviation are under the Exclusive Legislative List of the Constitution. The National Assembly has thus decided to sue the House of Assembly of Lagos state.

Answer the following questions 1-3

1. Which court would have the jurisdiction to entertain the action?

- a. The Supreme Court
- b. The Court of Appeal
- c. The Federal High Court
- d. Any of the above

2. The appropriate constitution of the Court you have identified above will be:

- a. 7 Judges
- b. 5 Judges
- c. 5 Justices
- d. 7 Justices

3. The parties in the above suit will be:

- a. The National Assembly v the House of Assembly, Lagos State
- b. The Senate President v House of Assembly, Lagos State

- c. The National Assembly v Speaker, House of Assembly, Lagos State
- d. The Senate President v Speaker, House of Assembly, Lagos State

4. Before the suit can be brought by the National Assembly, a resolution must have been passed by:

- a. Two-third majority of total members of the Senate alone
- b. Two-third majority of members of both houses present and voting
- c. Simple majority of members of both houses present and voting
- d. Simple majority of total members of the Senate present and voting

5. All except one is incorrect about the judgment of the Court you have identified in 1 above:

- a. It can be appealed to the Court of Appeal
- b. It can be appealed to the Supreme Court
- c. It is a final decision not subject to appeal
- d. It can only be appealed to the Supreme Court with leave

6. One of the following statements is untrue: “the Supreme Court constitutes a full court when it wants to...”

- a. Interpret the Constitution
- b. Overrule itself
- c. Sit on Fundamental human right cases
- d. Sit on Governorship election tribunal as the final court

7. Following the recent executive regulation to lock down Abuja, Lagos and Ogun state. The Governor of Ogun state boasted to the press that the President cannot do such in Ogun state

because the proper order of procedure was not followed. The National Assembly agreed to this too. The President, feeling that his power has been challenged decided to deploy the army to Ogun state to enforce his regulation. However, with recourse to the advice of his close friend, Frank SAN, he decided to sue the National Assembly and the Governor of Ogun state in..... court

- a. Supreme Court
- b. Federal High Court
- c. Ogun State High Court
- d. Either A or B

8. The Constitutional composition of the Supreme Court is:

- a. The CJN and such number of Justices as may be determined by the NJC
- b. The CJN and such number of Justices as may be determined by the President
- c. The CJN and such number of Justices not less than 21
- d. The CJN and such number of Justices not exceeding 21

Yesufu a Supreme Court Justice was worried that by age (9), ___ he may retire from office because of his fragile health and he has not stayed up to 2 years in office. His older friend, Asamu JCA cautioned him and said “what about me that would be forced to cease to hold office at the age of (10) ___so cheer up.”

9.

- a. 60
- b. 65
- c. 70
- d. 75

10.

- a. 60

- b. 65
- c. 70
- d. 75

At the Annual General Meeting of Oluwaglass Nigeria PLC, a dispute ensued between one of the directors of the company, Mr. Agbalumo and a shareholder, Mr. Opeyinbo. In the course of the dispute, both parties started exchanging words and suddenly, Mr. Opeyinbo called Mr. Agbalumo a pig who is only good at sleeping with other men's wives. Mr. Agbalumo was furious and threatened to bring a defamation suit against Mr. Opeyinbo.

11. Which court will have jurisdiction over the action?

- a. The Federal High Court
- b. State High Court/High Court of the Federal Capital Territory
- c. The Investment and Securities Tribunal
- d. Any of the above

12. Assuming the action was instituted in the Lagos State High Court, and the court holds that it has no jurisdiction, the proper order to make is to:

- a. Dismiss the case
- b. Strike out the case
- c. Non-suit the case
- d. Order a trial de-novo

Following the recent presidential election that was conducted in the Federal Republic of Nigeria, the candidate of the Youth Must Lead Political Party, Obafemi Thanni was declared winner of the election, while the candidate of Creative Nigerian Youth, Asundemade Habeeb, was declared the first runner up. Asundemade Habeeb has decided to contest the election result claiming that the President

elect was invalidly elected and that he should be declared winner instead.

13. Which court has jurisdiction over Asundemade Habeeb's claim?

- a. The Presidential Election Tribunal
- b. The Supreme Court
- c. The Court of Appeal
- d. The Federal High Court

14. The AGF, Lere Asamu was prosecuting Mr Oladokun, a drug maffia in High court of FCT for dealings in narcotics. Frank SAN, the defence' counsel raised objection that the court lacks jurisdiction to entertain the matter. The Judge, Lizzy Baby J. has called on you as amicus curiae to tell her the appropriate thing to do in this circumstance. What would you advice?

- a. Strike out the case
- b. Transfer the case to FHC
- c. Dismiss the case
- d. Overrule the objection

15. Chairmen of Election tribunals are appointed by

- a. President of Court of Appeal in consultation with Heads of Court of state
- b. CJN in consultation with Heads of Court of state
- c. Chief Judge of a State
- d. None of the above

16. Appeals lie from the decision of the Court of Appeal to the Supreme Court. However, certain decisions of the Court of Appeal are final and not appealable to the Supreme Court. These decisions include one of the following:

- a. Governorship Election Petition
- b. Interlocutory decisions or injunction

- c. Decisions from the Code of conduct tribunal
- d. Decisions from the Legislative Houses Election Tribunal

17. The total number of Justices of the Court of Appeal is:

- a. 90
- b. 49
- c. 50
- d. 60

18. In late Mr. Akerodolu Mimiko's Will dated 12th January 2020, Mr. Akeredolu gave one of his Concubines, Mrs Eyinjuoluwa Inumidun his 4 storey building in Ikoyi . His wife, Mrs Temilade Mimiko, claimed that the Will was invalidly executed. She has come to you as her lawyer to institute an action in Court contesting the validity of the Will. In which of the following Courts would you institute the action?

- a. Customary court Ikoyi
- b. Magistrate Court of Lagos
- c. High Court of Lagos Ikoyi Judicial Division
- d. Either B or C

19. Mr Chuks who had lived in the house as a tenant during the lifetime of Mr. Akeredolu, claims that the title of the land belongs to him as he bought it from Akeredolu in 2018. He has decided to institute an action in Court for declaration of title to land. The appropriate to institute the action is:

- a. Customary court Ikoyi
- b. Magistrate Court
- c. Lagos State High Court
- d. Rent Tribunal ikoyi

Peter and Paul are close friends. Peter, who didn't have an account with Heritage Bank,

approached the Bank for a loan of ₦50,000,000. Paul agreed to be a guarantor when the Bank requested a guarantor who is a customer with strong financial standing in the Bank. Peter has defaulted in repaying the loan and the Bank has decided to sue Paul who the Bank believes is more financially buoyant to pay.

20. Which Court has jurisdiction over the case?

- a. Federal High court
- b. State High court.
- c. Investment and Securities Tribunal
- d. A or B.

21. All but one of the following courts is clothed with civil jurisdiction:

- a. Sharia Court of Appeal
- b. Magistrates' Court in the North
- c. Customary Court of Appeal
- d. Magistrates Court in the South

22. All except one are areas where the Federal High Court has exclusive jurisdiction:

- a. Admiralty matters
- b. Matters arising from the provisions of CAMA
- c. Dispute pertaining to banker Customers Relationship
- d. Disputes pertaining to mining and mineral exploration.

23. By the Supreme Court (Additional Original Jurisdiction) Act 2002, the three additional exclusive original jurisdictions conferred on the Supreme Court does not include dispute between:

- a. The National Assembly and the President
- b. The Vice President and a State

- c. The National Assembly and a State
- d. The National Assembly and any State House of Assembly

24. Where a suit is instituted in accordance with the provisions of the Supreme Court (Additional Jurisdictions) Act, which of the following will NOT be a party?

- a. The National Assembly
- b. The President of the Federal Republic of Nigeria
- c. The Speaker of a State House of Assembly
- d. The Attorneys-General of the Federation or States

25. In a dispute between the Federation and the National Assembly, the appropriate parties are:

- a. The President Federal Republic of Nigeria v National Assembly
- b. The Attorney General of the Federation v National Assembly
- c. Federal Executive v Speaker of the National Assembly
- d. The President Federal Republic of Nigeria v The Senate President

Recently the House of Assembly of Ekiti State impeached the Governor. This led to a power tussle between the Deputy Governor and the Speaker of the State House of Assembly on who will succeed the Governor. In view of the chaos, the Executive President GCFR declared a state of Emergency in the State. Thereafter, a military administrator was appointed to take charge of the state. The EFCC also declared the Governor wanted on grounds of misappropriation of State Funds. The Governor is aggrieved and wishes to seek redress. He has approached you.

26. If he wants to sue the State House of Assembly for a declaration that his impeachment and removal is unlawful and unconstitutional, which court should he go to?

- a. The Court of Appeal
- b. The Supreme Court
- c. The State High Court
- d. The Federal High Court

27. Assuming the Attorney General of Ekiti wants to institute an action against the Federation seeking a declaration that the proclamation of the State of Emergency is inconsistent with the constitution thus null, which court would have jurisdiction?

- a. The Supreme Court
- b. The Court of Appeal
- c. The Federal High Court
- d. The State High Court

28. If the National Assembly wants to institute an action against Ekiti State House of Assembly on the ground that the panel which removed the Governor was not duly constituted, which court would have jurisdiction?

- a. The Court of Appeal
- b. The Federal High Court
- c. The State High Court
- d. The Supreme Court

29. Assuming the Governor wants to challenge the validity of the election of a member of the State House of Assembly, which court should he go to?

- a. There is a Governorship Election Petition Tribunal
- b. National and State House of Assembly Election Petition Tribunal
- c. State High Court
- d. Federal High Court

30. Assuming the Governor wants to institute an action against the EFCC to restrain them from arresting him, which court will have jurisdiction to entertain the action?

- a. Federal High Court
- b. State High Court
- c. Court of Appeal
- d. Supreme Court

Mr. James Alimi recently terminated the appointment of Sisi Akowe, his driver, who had worked with him for over 10 years. He refused to pay her the arrears of salaries for over eight months. Sisi Akowe has approached you to file an action to recover the salary arrears.

31. In which court will you file the action?

- a. The High Court of a State
- b. The Federal High Court
- c. The National Industrial Court
- d. The Magistrate Court

32. The Court above will be properly constituted with:

- a. One judge of the Court
- b. Five Judges of the Court
- c. A single judge or not more than three judges as the head of court may direct
- d. A single judge or not more than two judges as the head of the Court may direct

33. Assuming the judgment in the above case was given against Sisi Akowe, who made an unsuccessful appeal to the Court of Appeal, which of the following is true of the judgment of the Court of Appeal?

- a. It is appealable as of right to the Supreme Court

- b. It can only be appealed to the Supreme Court with the leave of the Court of Appeal
- c. It can only be appealed to the Supreme Court with the leave of the Supreme Court
- d. It is final and not appealable

34. The monetary jurisdiction of the Small Claims Court in terms of a counter-claim is the maximum amount of:

- a. ₦10,000,000
- b. ₦5,000,000
- c. ₦8,000,000
- d. ₦7,000,000

35. The ECOWAS Community Court is generally composed of:

- a. 5 Independent Judges
- b. 7 Independent Judges
- c. 9 Independent Judges
- d. 15 Independent Judges

ANSWERS

WEEK 3

COURTS WITH CIVIL JURISDICTION

1. (A) Dispute between the National Assembly and the House of Assembly of a State is within the exclusive jurisdiction of the Supreme Court. Sec. 1 of the Supreme Court (Additional Original Jurisdiction) Act, 2002.
2. (D) The Supreme Court will be constituted by not less than 7 Justices in the following matters: 1. Where it is a case of its original jurisdiction, 2. Appeals on fundamental human right cases; 3. Interpretation of the Constitution and 4. When it wants to overrule itself.
3. (C) The nominal party where the National Assembly sues or is sued is "National Assembly", while for the House of Assembly; it is "Speaker of the House of Assembly". Sec. 3, Supreme Court Additional Jurisdiction Act.
4. (C) Before a suit is commenced by the National Assembly, a resolution must have been passed by simple majority of members of both Houses present and voting. Sec. 2, Supreme Court Additional Jurisdiction Act.
5. (C) The decision of the Supreme Court is final and not subject to appeal. Sec. 235, 1999 CFRN.
6. (D) See comment on question 2 above.
7. (B) The parties do not come under the jurisdiction of the Supreme Court. Joining any party other than the ones stated in the Act will 'rob' the Supreme Court of the jurisdiction. See the case of A.G. Ondo State v A.G.F.

8. (D) The composition of the Supreme Court is the CJN and such number of Justices not exceeding 21. Sec. 230, CFRN.
9. (B) A Justice of the Supreme Court or the Court of Appeal **may** retire when he attains the age of 65, but **shall** retire when he attains the age of 70. Sec. 291 CFRN.
10. (C) Sec. 291, CFRN.
11. (B) The subject matter is defamation, a personal action and not definitely an action arising from CAMA to confer jurisdiction on the FHC.
12. (B) Generally, where a court holds that it has no jurisdiction to try a case, the proper order to make is to strike it out.
13. (C) The Court of Appeal has exclusive original jurisdiction to determine if a person has been validly elected into the office of the President or Vice President. Thus, a petition to contest the result of a presidential election is to be filed at the Court of Appeal. Sec. 239(1), CFRN.
14. (B) Note that the Rules of the FCT Courts gives a Judge power to transfer matters to court with competent jurisdiction. If it were to be in Lagos, the answer would have been A, to strike out the case. O. 41, R. 6, FCT Rules, 2018.
15. (A) Chairmen of election tribunals are appointed by the President of the Court of Appeal in consultation with Heads of court of state.
16. (D) Decision of the Court of Appeal on legislative houses election petition is final. Sec. 246(3), CFRN.
17. (A) Sec. 1, Court of Appeal Act.
18. (C) Customary or Magistrate Court do not have jurisdiction to try cases involving validity of a Will.
19. (C) Disputes relating to title to land is not for the Customary Court or the Magistrate Court. Sec. 28, Magistrates Court Law, Lagos State.
20. (D) In disputes involving banker-customer relationship, both the Federal High Court and States High Court/FCT have concurrent jurisdiction. NDIC v Okem Enterprises. Proviso to Sec. 251(1)(d), CFRN.
21. (B) Magistrates Court in the North are only vested with criminal jurisdiction. District Courts are vested with civil jurisdiction.
22. (C) See comment on question 20.
23. (B)
24. (B) See sec. 20 of the Supreme Court (S.C.) Act as well.
25. (B) Disputes involving the Federation, the nominal party shall be the AGF. Sec. 20, S.C. Act.
26. (D) Sec. 272(3) CFRN. That provision giving power to FHC to determine the question of whether the office of the Governor of a State has become vacant has been criticized by many authors. But the law is the law.
27. (A) Disputes between the federation and a state is within the exclusive jurisdiction of the Supreme Court.
28. (D) Dispute between the National Assembly and a State's House of Assembly is within the exclusive jurisdiction of the Supreme Court.
29. (B)
30. (A) EFCC is a federal government agency. Sec. 251(1)(r), CFRN.
31. (C) It's a dispute arising out of employment matters, falling within the exclusive jurisdiction of NIC.
32. (C)
33. (D) Sec. 243(4), CFRN.
34. (A)
35. (B)

WEEK 4

PARTIES TO A CIVIL ACTION

1. The position of the Attorney General of Federation as party in the case of Plateau State v AG Federation is:

- a. A desirable party
- b. A Nominal party
- c. A Necessary party
- d. A proper party

2. All but one of the following are purposes of joinder of parties

- a. Avoid multiplicity or duplicity of action
- b. Save time and avoid abuse of court
- c. Opportunity to correct a misspelt party
- d. To ensure all the necessary parties are made parties to the action

3. Alteration or change of parties is necessary in all the following instances except:

- a. Bankruptcy
- b. Devolution of interest
- c. Death
- d. None of the above

4. Application for alteration or change of parties is brought by way of:

- a. Motion on notice supported by a written address
- b. Motion Exparte
- c. Originating application
- d. Motion Exparte supported with an affidavit and a written address

5. If in an action against the President of Nigeria, the president is sued instead of the Attorney General of the Federation, one of the following is the implication:

- a. Action would be struck out

- b. More than an irregularity
- c. The action would be dismissed
- d. Treated as mere irregularity

Chevron Nigeria Ltd, an oil company, has caused serious environmental damage to residents of Igbokoda community, Ilaje local government area of Ondo state due to oil spillage which spread into the waters, poisoning the fishes in the river and taking away their means of livelihood. The members of the community have staged a protest and have vowed to sue the company. The leaders of the community, Mr. Ikuemonisan and Mr. Odola have decided to institute an action on behalf of their community. You have been briefed to represent the community.

Answer the following questions 6-9

6. The most appropriate type of action you would institute is:

- a. Representative action
- b. Class action
- c. Group action
- d. Personal action of the community

7. One of the following is not a condition precedent before you can bring the action you have identified above

- a. Written authority of the members of the community
- b. Leave of court
- c. All of the above
- d. None of the above

8. The appropriate parties before the Court will be:

- a. Mr. Ikuemonisan and Mr. Odola v Chevron Nigeria Ltd
- b. Members of Igbokoda Community v Chevron Nigeria Ltd

- c. Mr. Ikuemonisan and Mr. Odola (suing for themselves and on behalf of members of the Igbokoda Community v Chevron Nigeria Ltd
- d. Mr. Ikuemonisan, Mr. Odola and Igbokoda Community v Chevron Nigeria Ltd

9. The mode of applying for leave to bring a representative action is:

- a. Originating application
- b. Motion ex parte
- c. Motion on notice
- d. Writ of summons

Recently, there was a surge in the price of subscription for Globalcom network which brought about uproar from different parts of the country by angry customers. Apart from that, they discovered that a minute call on the network now costs ₦100. Feeling aggrieved, some certain people have decided to bring an action on behalf of the entire angry customer of Globalcom network.

10. The most appropriate type of action to bring here is;

- a. Representative Action
- b. Class action
- c. Group action
- d. Family action

11. In Lagos State, one of the following cannot be brought by way of class action:

- a. Nuisance
- b. Construction of any written instrument including a statute
- c. Administration of an estate
- d. Trust property: Property subject to a trust

12. Kunle Adisa and George Olumide were appointed as executors of the estate of Chief

Odulana. Both of them decided to sue Heritage Capital PLC for the debt owed to Chief Odulana before his death. Which of the following reflects the appropriate parties before the Court?

- a. Kunle Adisa, George Olumide (suing for themselves and on behalf of the estate of Chief Odulana) v Heritage Capital PLC
- b. Kunle Adisa and George Olumide v Heritage Capital PLC
- c. The estate of Chief Olumide deceased v Heritage Capital PLC
- d. Kunle Adisa, George Olumide (suing as executors to the estate of Chief Odulana, deceased) v Heritage Capital PLC (defendant)

Recently, the Kingmakers in Ajibogun Land of Oyo state conspired to remove Olayiotan Abejoye from his position as one of the traditional rulers of the land, and in his place, they appointed Afopina Abobaje. Feeling aggrieved by the deposition, Olayiotan Abejoye has gone to the High Court to challenge the action of the kingmakers. Meanwhile, the kingmakers have decided that it is expedient that Afopina Abobaje be joined as a party in the case because he will be affected by the outcome of the decision of the court.

Answer the following questions 13-17 using the above scenario

13. Afopina Abobaje can be classified as what type of party?

- a. Proper party
- b. Nominal party
- c. Desirable party
- d. Necessary party

14. What mode will be used to bring the application for joinder before the court?

- a. Motion on notice
- b. Motion ex parte
- c. Originating motion
- d. Summons on the co-defendant

15. If it was Afopina Abobaje that brought the application to be joined as a party in the case, then he will be properly termed:

- a. An intervener
- b. An interested party
- c. An intruder
- d. A stakeholder

16. Where there is a failure to join a party who ought to be joined in a proceeding before the Court, the effect is that:

- a. The case will be dismissed
- b. A procedural irregularity which won't lead to striking out the case
- c. The case will be struck out
- d. The case will be declared non-suit

At the Law Firm of Oladipo Olasope where you did your externship, your principal informed you that one of his clients, Moyo Akinsete, a very popular philanthropist who lives in Lagos Nigeria lent her childhood friend, Opeyemi Okeke the sum of ₦12,000,000 to set up her technology company. The loan agreement was entered in Lagos and guaranteed by Opeyemi's boyfriend, Teetah Excellent who resides in Abuja. Opeyemi Okeke has defaulted in repaying the loan despite repeated demands from Moyo Akinsete. Moyo Akinsete has therefore decided to commence an action at the Lagos High Court against Opeyemi Okeke in order to recover the money from her.

Answer the following questions 17-23

17. Assuming Opeyemi Okeke wants to join the boyfriend to bear the eventual liability in case she is found liable, she can do so by:

- a. Applying for joinder of parties
- b. Third party proceedings
- c. Fast track procedure
- d. Notice to join a third party

18. What's the proper mode in which the application you have identified above will be brought?

- a. Motion on notice
- b. Motion ex parte
- c. Originating motion
- d. Summons on the co-defendant

19. The proceedings you identified in question 17 above is in favour of which the under-listed?

- a. The claimant
- b. The defendant
- c. The third party
- d. A or B

20. Which of the under listed best describes what will be served on Teetah Excellent upon the grant of the order in the proceeding you identified above?

- a. Motion on notice
- b. Motion ex parte
- c. Joinder notice and existing processes
- d. Third party notice and existing processes

21. The time limit within which Teetah Excellent is expected to enter appearance when the process you have identified in 20 above is served on him is:

- a. Within 8 days
- b. Within 35 days
- c. Within 30 days
- d. Within 16 days

22. What would be your answer to question 21 if Teetah were to be living in Ikeja, Lagos?

- a. Within 8 days
- b. Within 35 days
- c. Within 30 days
- d. Within 16 days

23. Assuming Teetah Excellent's mum, who is a director with Heritage Bank PLC is joined as a co-defendant in the suit by Moyo Akinsete, which of the steps can she properly take?

- a. Apply for Dismissal of the case for misjoinder
- b. Apply for striking out of the case for misjoinder
- c. Apply for striking out of her name for misjoinder
- d. Apply for joinder of the Managing Director of the Bank as co-plaintiff.

24. A third party must enter appearance within ____ days in Abuja where third party resides outside the jurisdiction

- a. 30 days
- b. 8 days
- c. 40 days
- d. 35 days

25. One of the following is the most appropriate in a third party proceeding

- a. Chukwudi _____ Claimant
And
Goodside Nig. Ltd _____ Defendant
And
Goodday Insurance _____ Third party
- b. Chukwud _____ Claimant
And
Goodside Nig. Ltd _____ Defendant
And
Goodday Insurance _____ Defendant's defendant
- c. Chukwudi _____ Claimant
And

Goodside Nig. Ltd _____ Defendants
Goodday insurance

- d. Chukwudi _____ Claimant
And
Goodday Insurance _____ Third party
And
Goodside Nig. Ltd _____ Defendant

During your externship programme at the law firm of Bright Legal, you witnessed a briefing by Mr. Dogo Yunus. He stated that on the 10th of April, 2019 one Roland Giddy drove at top speed along the Eko Hotel Road, Victoria Island, when he ran into his Prado Jeep occupied by his wife, Mrs. Raliat Yunus and his seven year old son, Taju Yunus.

The occupants of the Prado Jeep were badly injured and the Jeep was damaged beyond repairs. Mr. Yunus, his wife and his son now want to institute an action in court for negligence and to claim damages for all the loss suffered.

26. The proper parties in the action are:

- a. The Dogo Yunus family (Claimants) v Roland Giddy (Defendant)
- b. Mr. Dogo Yunus, Mrs Raliat Yunus, Master Taju Yunus (Claimants) v Roland Giddy (Defendant)
- c. Mr. Dogo Yunus, Mrs Raliat Yunus, Master Taju Yunus (an infant, suing by his guardian, Mr. Dogo Yunus) (Claimants) v Roland Giddy (Defendants)
- d. Mr. Dogo Yunus, Mrs. Raliat Yunus, suing for themselves and their son Master Taju Yunus (claimants) v Roland Giddy (Defendant)

27. Acting under a power of attorney given to him by Miss Sally Harris, Mr Dibia wants to file an action for recovery of premises against Mrs Abike George. The most appropriate parties in this case will be:

- a. Miss Sally Harris (suing through her lawful attorney Mr Dibia).... Plaintiff v Mrs Abike George.....defendant
- b. Mr. Dibia (plaintiff) v Mrs Abike George (Defendant)
- c. Miss Harris (plaintiff) v Mrs Abike George (Defendant)
- d. Mr. Dibia suing as an attorney (Plaintiff) v Mrs Abike George (Defendant)

28. When a party to a pending suit claims to be entitled to contribution or indemnity from another person who is not a party in the suit, he should commence

- a. An intervenor proceeding
- b. An interpleader proceeding
- c. Application for joinder straightaway.
- d. A third party proceeding

29. When the other party in 28 above does not respond, then

- a. The trial court will usually give judgment to the original plaintiff
- b. The trial court will usually enter judgment against the person the above proceeding was taken
- c. The party against whom the proceeding was taken will be deemed to have admitted and will be bound by the decision of the court.
- d. Award costs against the person the above last proceeding was taken

30. All but one of the following is correct.

- a. Nomenclature of parties depends on the type of action and the rules of court.
- b. A person can be plaintiff and defendant in the same action.
- c. In interlocutory applications, parties are referred to as applicant and respondent.
- d. Mistake in stating correct names of the parties is not fatal to case.

ANSWERS

WEEK 4

PARTIES TO A CIVIL SUIT

- 1. (B) In disputes involving the State or the Federation, the Attorneys General are usually nominal parties, meaning they are made parties by virtue of their office.
- 2. (C)
- 3. (D)
- 4. (D) Motion must always be accompanied by a written address and may be supported by an affidavit. Affidavits are used to depose to facts; some applications are brought solely on ground of law. In such circumstance, no affidavit shall be required. See Order 43, Lagos Rules.
- 5. (D) On the authority of AGF v Governor, Plateau State.
- 6. (A) It is not a class action because the members of the community from the scenario can be ascertained and they all have a common grievance and the same interest.
- 7. (D) Written authority of the members of the community to bring the action must be obtained and leave of court must be sought.

8. (C)
9. (B)
10. (B) All the aggrieved parties cannot be reasonably ascertained, so a class action is the most appropriate.
11. (A) Order 15, Rule. 13, Lagos Rules.
12. (D)
13. (C) He is a desirable party. Although his non-inclusion as a party will not affect the determination of the case, but if eventually Olayiotan Abejoye is successful, he would be affected by the decision of the court. So, his presence is desirable, not necessary.
14. (A) Application for joinder of party is brought by motion on notice, supported with an affidavit and a written address.
15. (A) An intervener is a person who was not originally made a party to a suit, but brings an application to be joined as a party in the suit.
16. (B) Order 15, Rule 16(1), Lagos Rules.
17. (B) The appropriate method is to apply for a third party proceeding.
18. (B) One key difference between joinder of party and third party proceeding is that while application for the former is by motion on notice, application for the latter is by motion ex parte.
19. (B) Third party proceeding is available to a defendant in an action, or a claimant, who is a defendant to a counter-claim. So, (it is always an option in favour of the defendant to relieve him from bearing the cost of liability alone.
20. (D) Order 15, Rule 19(2), Lagos Rules.
21. (C) Since Teetah resides outside jurisdiction (Abuja), he is expected to enter appearance within 30 days after service. Order 15, Rule 20, Lagos.
22. (A) Living in Ikeja is living within the jurisdiction of the Court, and he will be expected to enter appearance within 8 days.
23. (C) Order 15, Rule 16, Lagos.
24. (D) Order 13, Rule 21, Abuja.
25. (A)
26. (C)
27. (A) The most appropriate is (A) because it shows the name of the Donor and that the Donee is acting as an attorney.
28. (D)
29. (C) Order 15, Rule 21, Lagos.
30. (B) A person cannot be a plaintiff and a defendant in the same action. Counterclaim may come to mind here, but counter claim is a different action, capable of surviving the main action.

WEEK 5
PRELIMINARY
CONSIDERATIONS AND
COMMENCEMENT OF ACTION
IN THE MAGISTRATE COURT

1. The effect of failure to file a pre-action notice to a statutory body where it is provided in the statute is all but one of the following

- a. It prevents the court from having jurisdiction on the case
- b. It will lead to the matter being struck out
- c. It is a mere irregularity which can be waived
- d. None of the above

Inspector Kadir Bashir bought 200 bags of cement from TopYega cement Ltd and made an initial payment of 50% of the total purchase price. He agreed to pay the balance within a 6 months period. The 6 months period has passed and he has defaulted in meeting his obligation. TopYega cement Ltd then decided to go to court to recover the balance. Inspector Kadir raised an objection on the point of law that the action is statute barred as it was not instituted within the three months period provided under the Public Officers Protection Act.

2. As the claimant's counsel, your best response to the objection would be:

- a. Right, and thus concede to it
- b. Wrong because the Act only applies to criminal actions, not civil actions
- c. Wrong, because the Act only protects public officers when acting in their official capacity
- d. Wrong because the Act does not apply to officers in his category

3. All but one of the following are factors to be considered before commencing an action in court:

- a. Jurisdiction
- b. Pre-action notice
- c. Enforcement of judgment
- d. None of the above

4. Under the Magistrate Court Law of Lagos 2009, the following grades of Magistrate Courts exist in Lagos

- a. None; section 92, MCL
- b. Five; section 93, MCL
- c. None; section 93, MCL
- d. Five; section 92, MCL

5. The minimum number of post call years required to be qualified for appointment as a Magistrate in Lagos is?

- a. 5 years
- b. 10 years
- c. 7 years
- d. 6 years

6. Magistrates in Lagos State are appointed by:

- a. The Chief Judge
- b. The Lagos State Judicial service commission
- c. The Governor of Lagos State
- d. The National Judicial Council

7. In a landlord and tenant dispute, which of the following accurately captures the jurisdiction of the Magistrate Court in Lagos State?

- a. The monetary value claimed including the arrears of rent, if any, must not be more than N10,000,000

- b. The annual rental value of the property and all arrears of rent claimed must not be more than N10,000,000
- c. The annual rental value must not exceed N10,000,000 excluding amounts that may be claimed as arrears of rent
- d. The annual rental value must not exceed N15,000,000 including any amount that may be claimed as arrears of rent

8. The following except one are ways of commencement of action in the Magistrate Court of Lagos State:

- a. Complaint
- b. Claim
- c. Originating application
- d. None of the above

9. Where a claimant sues for recovery of debt or a liquidated money demand and believes that the defendant has no defence to the claim, then the claimant should apply for _____ type of summons to be issued on the defendant

- a. Uncontested summons
- b. Summary summons
- c. Ordinary summons
- d. Specific summons

10. The type of summons you have identified above cannot be used in respect of the following except:

- a. Where the defendant is a company and has its registered office in Lagos
- b. Where the defendant is an infant
- c. Where the defendant has to be served outside jurisdiction
- d. Where the claim is to recover money secured under a mortgage

11. The lifespan of the type of summons you identified in 9 above is

- a. 6 months after service renewable for another 3 months
- b. 3 months after service not subject to renewal
- c. 3 months after service renewable for another 3 months
- d. 6 months after service renewable for 3 months twice

12. The monetary jurisdiction of the District Court of the FCT is limited to the maximum amount of:

- a. N5 million
- b. N10 million
- c. N7 million
- d. N8 million

Dr. Yinka Quadri, a business man of No. 10, Ojuelegba Road, Lagos Nigeria requested in writing the sum of N5,000,000 (Five Million Naira) loan from LABO Micro Finance Bank, Wall street, Lagos and was granted. The terms of agreement stated that the loan with interest should be paid within 90 days from the date it was granted. Dr. Yinka Quadri refused to pay the loan after its due date.

Answer the following questions 13-19 from the scenario

13. The best and fastest court where the claim can be pursued is

- a. District Court
- b. High Court, uncontested list
- c. Small claims court/ Magistrate Court
- d. Native Court

14. After the claim in the procedure you identified 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

15. The defendant must respond to the claim within_____ days failing which he will be deemed to have admitted the claim:

- a. 5 days
- b. 7 days
- c. 8 days
- d. 10 days

16. Assuming the defendant wishes to counter-claim, it can enter a counter-claim up to__

- a. N6,000,000
- b. N7,000,000
- c. N5,000,000
- d. N10,000,000

17. The form to be filled by a defendant who wishes to counterclaim shall be as in:

- a. FORM SCA 4
- b. FORM SCA 5
- c. FORM SCA 6
- d. FORM SCA 7

18. Assuming the defendant counterclaims a sum which exceeds the limit provided by law, which of the following is the effect of such breach:

- a. The counterclaim will be declared invalid
- b. The counterclaim will be deemed abandoned
- c. Judgment will be entered against the defendant
- d. The excess claimed will be deemed abandoned

19. If the claimant wishes to file a reply to the defendant's defence and counterclaim, then it

should do so within how many days of service of the process

- a. 3 days
- b. 6 days
- c. 5 days
- d. 7 days

20. Which of the following accurately captures the conditions to be fulfilled before a claim can be entertained by the Small Claims Court?

- a. The claimant must have served a letter of demand on the defendant and the amount claimed must not exceed N5,000,000 exclusive of cost and interest
- b. The claimant must have served a letter of invitation for amicable settlement on the defendant and the amount claimed must not exceed N5,000,000 inclusive of interest and cost
- c. The claimant must have served a letter of demand on the defendant, the amount claimed must not exceed N5,000,000 exclusive of cost and interest and the claimant must have begun the action by claim
- d. The claimant must have served a letter of demand on the defendant, the amount claimed must not exceed N5,000,000 inclusive of cost and interest and the claimant must have begun the action by claim

21. The letter of demand required before an action can be commenced in the Small claims court shall be in form:

- a. SCA 1
- b. SCA 2
- c. SCA 3
- d. SCA 4

22. If on the day fixed for hearing, the claimant appears before the Court but the defendant doesn't, which of the following is required by law to be done:

- a. Default judgment must given for the claimant
- b. The case shall be adjourned by two days
- c. The claimant shall prove his case and judgment given accordingly
- d. Summary judgment will be given without the need for the claimant to prove his case

23. The entire hearing period of a case in a Small Claims Court shall not exceed:

- a. 21 days
- b. 30 days
- c. 60 days
- d. 90 days

24. The Magistrate shall endeavour to deliver judgment within how many days after completion of hearing:

- a. 14 days
- b. 7 days
- c. 28 days
- d. 21 days

25. Assuming judgment is given against the defendant, within how many days is he expected to comply?

- a. 7 days
- b. 30 days
- c. 21 days
- d. 14 days

26. The entire period of proceeding in a Small claims court from filing till judgment shall not exceed:

- a. 60 days

- b. 90 days
- c. 30 days
- d. 120 days

27. Assuming judgment was given against the claimant and it wishes to appeal, within how many days after delivery of judgment must it be done?

- a. 7 days
- b. 10 days
- c. 15 days
- d. 14 days

28. The form to be filled for appeal of cases in the Small claims court is:

- a. FORM SCA 6
- b. FORM SCA 7
- c. FORM SCA 9
- d. FORM SCA 8

29. Appeal of the decision of the small claims court goes to:

- a. The Magistrate Court
- b. The High Court
- c. The Fast track registry of the High Court
- d. The Fast track registry of the Magistrate Court

30. The time frame for the conduct of an appeal of a decision of the small claims court shall not exceed:

- a. 45 days
- b. 30 days
- c. 90 days
- d. 60 days

ANSWERS

PRELIMINARY CONSIDERATIONS AND COMMENCEMENT OF ACTIONS IN THE MAGISTRATES COURT

1. (C) Failure to file pre-action notice when statutorily required is tantamount to non-fulfillment of condition precedent, one of the elements of jurisdiction. In such instance, the Court will not have jurisdiction.
2. (C) The Act applies to civil and not criminal actions, and only protects officers when acting within their official capacity. The contract in question was entered into by Inspector Kadir in his personal capacity.
3. (D) All the options are preliminary considerations before the commencement of action.
4. (C)
5. (A) Sec. 4(2), Magistrate Court Law of Lagos State (MCL).
6. (B) Sec. 4(1), MCL.
7. (C) Sec. 28, MCL. The paramount consideration is the annual rental value of the property.
8. (A) The two ways of commencing an action in the Magistrate Court in Lagos are claims and originating applications. Order 1 of the Magistrates' Court Rules (MCR).
9. (B) Order 3, Rule 1, MCR.
10. (A) See Order 3, Rule 1 MCR, for the categories of persons against whom summary summons cannot be issued.
11. (B) Order 3, Rule 8, MCR.
12. (A)
13. (C) The undefended list is not applicable in Lagos State, only in the

FCT, Abuja *for the purpose of NLS*. This is because there are other States that have provision in their Court Rules on the Undefended list procedure.

14. (D) Article 5(1) of the Practice Direction of Small Claims Court (SCC).
15. (B) Article 6(1) of the Practice Direction of SCC.
16. (D) Article 7(2) of the Practice Direction of SCC.
17. (B) Article 7(1) of the Practice Direction of SCC.
18. (D) The excess amount claimed will be deemed abandoned. Article 7(4) of the Practice Direction of SCC.
19. (C) Article 7(6) of the Practice Direction of SCC.
20. (C) Letter of demand is essential and the amount claimed must not exceed N5,000,000 excluding cost and interest. Article 2(e), 7(1) of the Practice Direction of SCC.
21. (A)
22. (C) Article 8(2) of the Practice Direction of SCC.
23. (B) Article 9(6) of the Practice Direction of SCC.
24. (A) Article 12(1) of the Practice Direction of SCC.
25. (D) Article 13(1) of the Practice Direction of SCC.
26. (A) Article 12(2) of the Practice Direction of SCC.
27. (D) Article 14(1) of the Practice Direction of SCC.
28. (D) Article 14(2), of the Practice Direction of SCC.
29. (C) Article 14(3) of the Practice Direction of SCC.
30. (B) Article 14(6) of the Practice Direction of SCC.

WEEK 6

COMMENCEMENT OF ACTION IN THE HIGH COURTS

Babatunde Alao is the owner of a plot of land situate at No. 10, White chapel Street, Ikeja, Lagos State. Omoniyi Omisore is encroaching on the land, claiming title to the land by virtue of a certificate of occupancy. Babatunde Alao has briefed you to take up prosecution of the case against Omoniyi Omisore for declaration of title to the land.

Answer the following questions 1-8 based on the above scenario.

1. The most appropriate court where you would institute the action is:

- a. Ikorodu Judicial Division of Lagos State High Court
- b. Ikeja Judicial Division of Lagos State High Court
- c. Lekki Judicial Division of Lagos State High Court
- d. Eko Judicial Division of Lagos State High Court

2. What mode will you use to commence the action?

- a. Originating summons
- b. Ordinary summons
- c. Writ of Summons
- d. Petition

3. All but one of the following are documents to accompany your originating process:

- a. Affidavit containing statement of facts
- b. List of witnesses to be called at trial.
- c. Copies of documents to be relied upon.
- d. Statement on oath of the witnesses.

4. The effect of failure to accompany the originating process with the necessary documents is:

- a. It nullifies the action
- b. The originating process will not be accepted for filing at the Registry
- c. It is a mere irregularity that can be waived by the judge
- d. It is a mere irregularity that can be waived by the Registrar

5. The time within which the defendant is expected to enter appearance after service of the originating process on him is:

- a. Within 14 days
- b. Within 21 days
- c. Within 28 days
- d. Within 42 days

6. Babatunde Alao would like to know the life span of the originating process issued against Omoniyi Omisore. Your answer would that the life span of the originating process is:

- a. 12 months, not subject to renewal
- b. 6 months, renewable for another single period of 6 months.
- c. 6 months renewable for two periods of 3 months each.
- d. 3 months, renewable for subsequent periods of 3 months

7. The maximum lifespan of the originating process to be used here is:

- a. 9 months
- b. 12 months
- c. 6 months
- d. 15 months

8. Assuming Omoniyi Omisore lives in Abuja, to effect the service of the originating process

on him in Abuja, the claimant is required to comply with which of the following?

- a. The originating process must be endorsed by the Registrar that it is to be served out of Lagos State and in the Federal Capital Territory, Abuja.
- b. The defendant is to be given a period of not less than 30 days from the date of service within which to enter an appearance.
- c. None of the above
- d. A and B above.

9. Where there is uncertainty as to the mode of commencement of an action, then the action should be commenced by:

- a. Petition
- b. Originating summons
- c. Originating motion
- d. Writ of summons

10. The exception under the Rules to having witness statement on oath as one of the documents to accompany a writ of summons relates to:

- a. Willing witnesses
- b. Hostile witnesses
- c. Subpoenaed witnesses
- d. None of the above

11. The following except one are advantages of the frontloading system:

- a. Saves time and cost
- b. It is at the expense of justice
- c. Prevents springing of surprises on the party
- d. None of the above

Dr. Kwame brought an action against Chief Pawpaw alleging defamation on his character. The action was commenced by writ of summons at the High Court of the Federal

Capital Territory. You have been briefed by Dr. Kwame to represent him in the action.

Answer the following questions 12-20

12. Which of the following documents will not accompany the originating process?

- a. Pre-action protocol bundle form 01
- b. Copies of documents to be relied on during trial
- c. Written statement on oath of witnesses
- d. Statement of claim

13. Assuming the action was initiated by Dr. Kwame himself, which of the following documents will not be needed to accompany the originating process:

- a. Certificate of pre-action counselling
- b. Statement of claim
- c. List of witnesses
- d. None of the above

14. The time limit within Chief Pawpaw must enter appearance after serving him the originating process is:

- a. Within 7 days
- b. Within 14 days
- c. Within 21 days
- d. Within 42 days

15. Service of originating process can be done by any but one of the following:

- a. Bailiff
- b. Sheriff
- c. Special Marshal
- d. Chief Registrar

16. The time limit to effect service of originating process is:

- a. Anytime of the day
- b. Between 5am and 8pm
- c. Between 6am and 6pm

d. Between 8am and 8pm

17. Assuming the originating process was served on the defendant beyond the time frame provided by the law in 16 above, the effect of such service is:

- a. It will be void
- b. It will be voidable against the defendant
- c. It will be deemed to have been served the following day
- d. It is a mere irregularity but will be deemed to have been served that same day

Assuming the defendant in this case is evading personal service, the most appropriate thing to do is to bring an application to court by way of ___18___ to ___19___

18.

- a. Motion on Notice
- b. Summons on Notice
- c. Motion ex parte
- d. Originating Summons

19.

- a. Issue warrant of arrest
- b. Declare him wanted
- c. Effect substituted service
- d. Issuing subpoena against him

20. Assuming Chief Pawpaw, the defendant lives in Lagos, to effect the service of the originating process on him in Lagos, which of the following must be complied with:

- a. The originating process must be endorsed by the Registrar that it is to be served out of the Federal Capital Territory, Abuja in the Lagos State.
- b. The defendant is to be given a period of not less than 30 days from the date

of service within which to enter an appearance.

- c. None of the above
- d. A and B above

21. By the provisions of the Rules both in Lagos and Abuja, a writ is deemed issued when:

- a. It has been served on the defendant
- b. It has been presented by the claimant with accompanying documents
- c. It has been entered into the cause list
- d. It has been sealed by the Registrar.

22. A writ of Summons must be endorsed with the following particulars except one:

- a. Cost of the action
- b. Time within which the defendant is to enter appearance
- c. Name and particulars of the party
- d. The particulars of the claim

Miss B. B. Slim was sued by Miss Dora Brown in the High court of FCT Abuja, over a piece of land situate at Asokoro District, Abuja. After the service of the process on the defendant, she was involved in a fatal accident which led to her being hospitalized for three months. After her discharge from the hospital, she engaged your service to represent her in Court.

Now answer the following questions 22-25

23. The first step you would take as counsel to Miss B.B. Slim is:

- a. File a memorandum of Appearance.
- b. File a motion for leave to appear out of time.
- c. File Statement of Defence.
- d. File Statement of claim.

24. What are the processes the defendant needs to file to defend this suit?

- a. Statement of defence, witness statement on oath, pre-action counselling certificate and list of witnesses.
- b. Statement of defence, affidavit in support, witness statement on oath and list of witnesses
- c. Statement of defence, list of witnesses, witness statement on oath, and copies of documents to be relied upon
- d. Statement of defence, witness statement on oath and list of documents to be filed.

25. Since the defendant was unable to file the necessary papers required of her under the rules within time, the plaintiff is entitled to:

- a. Judgement in default of defence
- b. Judgement in default of appearance
- c. Summary judgement
- d. None of the above

26. The form to be filled for entering of appearance is in Lagos and Abuja respectively

- a. 11 and 12
- b. 12 and 11
- c. 10 and 11
- d. 11 and 10

Mr. Wuyep was the driver of a five-seater car which was transporting six people when it collided with Mr. Johnson's Toyota Camry car on the 1st of April, 2020. The insurance policy issued by Better Life Insurance Company PLC having its registered office address in Abuja in respect of Mr. Wuyep's car provided that the insurance company was exempted from liability for any damage caused while carrying any load in excess of that for which it was

constructed. In consequence, the insurance company was unwilling to pay for the damaged car. Mr. Wuyep contends that the exemption clause applies only to excess load not excess passengers and has asked you to commence an action against Better Life Insurance Company PLC for the interpretation of the exemption clause.

Answer the following questions 27-30

27. Which of the following is the most appropriate mode of commencement of this action?

- a. Originating motion
- b. Originating summons
- c. Writ of summons
- d. Petition

28. In view of the appropriate mode of commencement of this action, how would the facts of the case be presented to the Court?

- a. Statement of claim
- b. Documentary evidence
- c. Affidavit evidence
- d. Written Application

29. The defendant in this case is expected to enter appearance within how many days of service of the originating process on it:

- a. 21 days
- b. 42 days
- c. 14 days
- d. 7 days

30. If the defendant were to be in Lagos, then, it would be expected to enter appearance within how many days:

- a. 7 days
- b. 42 days
- c. 14 days
- d. 21 days

31. One of these is not an action that can be commenced by petition

- a. Matrimonial causes
- b. Election petition
- c. Winding up proceedings
- d. None of the above

32. Commencement of action by fast track procedure is contained in order of Lagos and Abuja Rules respectively:

- a. 37 and 59
- b. 37 and 39
- c. 39 and 37
- d. 59 and 37

Nestle Nigeria PLC, a company having its registered address in Ilupeju, Lagos, Nigeria, supplied its manufactured goods to the tune of N10,000,000,000 (Ten Billion Naira only) to Elias and co Ltd, a wholesale company in December, 2018. Elias and Co. Ltd paid the sum of N5,000,000,000 (Five Billion Naira) on receipt of the goods and promised to pay the balance within the next one year with interest at 10%. Since December 2019, Elias and Co. Ltd has defaulted in paying the principal sum and interest despite several letters of demand issued to it by the company Secretary of Nestle Nigeria PLC. You have been briefed by the company Secretary to recover the debt at the High Court using the fast track procedure.

Answer the following questions 33-39

33. In Lagos State, the objective of the fast track procedure is to reduce the time spent on litigation to a period not exceeding:

- a. 90 days
- b. 6 months
- c. 9 months
- d. 120 days

34. The Fast track procedure will be commenced by which of the following originating processes:

- a. Writ of summons
- b. Originating summons
- c. Originating motion
- d. Petition

35. For a claim involving monetary value to be qualified for fast track in Lagos, which of the following is true

- a. It must be a liquidated monetary claim or counterclaim in a sum not exceeding N100,000,000
- b. Need not be a liquidated monetary claim or counterclaim but the sum must not be less than N100,000,000
- c. Need not be a liquidated monetary claim or counterclaim but the sum must not be more than N100,000,000
- d. It must be a liquidated monetary claim or counterclaim in a sum not less than N100,000,000

36. Under the fast track procedure in Lagos, the originating process and accompanying documents shall be served on the defendant within how many days of filing:

- a. 7 days
- b. 3 days
- c. 14 days
- d. 10 days

37. Upon service of the originating process, if the defendant intends to defend, it shall file its statement of defence and other documents within:

- a. 21 days
- b. 30 days
- c. 35 days
- d. 42 days

ANSWERS

WEEK 6

COMMENCEMENT OF ACTION IN THE HIGH COURTS

38. The entire trial period of this case, including final addresses shall not exceed.....from the date trial directions were given

- a. 60 days
- b. 30 days
- c. 90 days
- d. 120 days

39. After completion of trial, the judge is enjoined to deliver judgment within how many days

- a. 21 days
- b. 30 days
- c. 40 days
- d. 60 days

40. Where a person seeks to obtain an order of mandamus to command a public officer to perform its duty, the action shall be brought by way of:

- a. Originating summons
- b. Originating motion
- c. Writ of summons
- d. Petition

1. (B) Order 4 Rule 1, Lagos provides that actions relating to declaration of title to land shall be commenced in the judicial division where the land is situate.
2. (C) Actions relating to declaration of title to land are contentious, thus must be commenced by writ. See the case of *Doherty v Doherty*.
3. (A) When actions are commenced by writ of summons, the facts of the case are stated in the statement of claim, not in an affidavit. Order 5, Rule 1(2), Lagos.
4. (A) Since it is in Lagos, failure to accompany an originating process with the necessary documents shall nullify the action. Order 5, Rule 1(3), Lagos.
5. (D) In Abuja, the defendant has within 14 days after service of writ to cause an appearance to be entered. *Always pay attention to the jurisdiction, (Lagos/Abuja), because that will inform your choice in the options.*
6. (C) In Lagos, the life span of an originating process is 6 months, but the Judge may order 2 renewals for 3 months each. Order 8, Rule 6,7, Lagos.
7. (B) Order 8, Rule 7, Lagos.
8. (C) This is because in Lagos, when an originating process (OP) is to be served outside jurisdiction, it is the **Legal Practitioner** that endorses it. Order 9, Rule 16. And Sec. 99 of the Sheriffs and Civil Process Act (SCPA), provides that the defendant in such instance should be given not less than

- 30 days within which to appear **or if a longer period is prescribed by the rules of Court**, thus in Lagos, 42 days.
9. (D) Doherty v Doherty.
 10. (C) Order 5, Rule 2(c), Lagos.
 11. (B)
 12. (A) Pre-action Protocol Bundle is used in Lagos state. What the FCT uses is the certificate of pre-action counseling. Order 2, Rule 2(2), Abuja.
 13. (A) Certificate of pre-action counseling is needed when a legal practitioner is acting for the party (claimant). When the party is acting for himself, he need not file it. Order 2, Rule 8, Abuja.
 14. (B)
 15. (D) The Chief Registrar is not a process server. Order 7, Rule 7(1), Abuja.
 16. (C) Order 7, Rule 15, Abuja.
 17. (C)
 18. (C) Order 7, Rule 11, Abuja.
 19. (C)
 20. (D) See comment on question 8. Order 2, Rule 4, Abuja.
 21. (D) Order 6, Rule 2, Abuja; Order 8, Rule 2(1), Lagos.
 22. (A) Cost of action is not an endorsement on a writ of summons.
 23. (B) Where the time limit within which a defendant is expected to enter an appearance for a case has lapsed and he wishes to defend the case, the first thing is to bring an application for leave to appear out of time by motion on notice.
 24. (C) The defendant does not need to file pre-action counseling certificate. It is the claimant who files such when commencing an action.
 25. (D) The action is one of declaration of title to land. Default judgment is not available to such action; the claimant must prove his case on the merit.
 26. (A) Form 11 (Lagos), Form 12 (Abuja).
 27. (B) Construction of the contractual document between the parties. Order 2, Rule 3(1), Abuja.
 28. (C) Where an action is commenced by originating summons, the facts are presented by affidavit evidence, unlike statement of claim, where an action is commenced by writ of summons. Order 2, Rule 3(5), Abuja.
 29. (B) Note that for action commenced by originating summons, the time for entry of appearance in Abuja is 42 days, while in Lagos, it is 21 days.
 30. (D)
 31. (D) Matrimonial causes, winding up proceedings, election petition are all commenced by way of petition.
 32. (D) Order 59 (Lagos); 37 (Abuja).
 33. (C) Order 59, Rule 1, Lagos.
 34. (A) Order 59, Rule 2(a), Lagos.
 35. (D) Order 59, Rule 2(b), Lagos.
 36. (C) Order 59, Rule 4, Lagos.
 37. (B) Order 59, Rule 5(1), Lagos.
 38. (C) Order 59, Rule 13(1), Lagos.
 39. (D) Order 59, Rule 14, Lagos.
 40. (B) Order 44, Rule 1, Lagos.

WEEK 7

INTERLOCUTORY APPLICATIONS

1. Interlocutory applications are applications made:

- a. Before trial of an action
- b. During trial of an action
- c. After trial of an action
- d. All of the above

2. All but one of the following are true of an interlocutory application:

- a. It terminates with the suit
- b. It must be tied to a substantive suit
- c. It can be used to seek for a perpetual order
- d. It can be used to remedy some defects in the main action

3. Where no rules/laws are cited in a motion, the Court can still grant the motion if:

- a. It was filed within a reasonable time
- b. There is a rule/law that empowers the court to grant it
- c. The other lawyer has no opposition
- d. It is a motion Ex parte

4. The following are not required to be on notice except:

- a. Vacating an interim order
- b. Application for substituted service
- c. Mareva injunction
- d. Application for third party proceedings

5. Which of the following is not a common feature in affidavits?

- a. Name and occupation of the deponent
- b. Oaths Act clause
- c. Claimant's signature

d. None of the above

Mr. John recently returned from India to Lagos only to find people in his premises claiming his house is theirs. He has instituted an action to remove unwanted persons from his property and also for a declaration that the property is his. As the case proceeds, he realised that Mr. James, the defendant in the suit has imminent plans to demolish the building.

6. As counsel to Mr. John, what applications would you bring to prevent Mr. James from demolishing the house imminently and till the case is determined:

- a. Motion on notice for interim injunction only
- b. Motion Ex parte for interim injunction only
- c. Motion Ex parte for interim injunction and motion on notice for interlocutory injunction
- d. Motion on notice for interlocutory injunction only

7. Assuming you intend to file a motion on notice before the Court to prevent the demolition of the building pending the determination of the case, the appropriate parties will be:

- a. Mr. John (Applicant) v Mr. James (Respondent)
- b. Mr. John (Respondent/Claimant) v Mr. James (Applicant/Defendant)
- c. Mr. John (Claimant/Applicant) v Mr. James (Defendant)
- d. Mr. John (Claimant/Applicant) v Mr. James (Defendant/Respondent)

8. If it were to be a motion Ex parte that you filed, then the appropriate parties before the court will be:

- a. Mr. John (Applicant) v Mr. James (Respondent)
- b. Mr. John (Respondent/Claimant) v Mr. James (Applicant/Defendant)
- c. Mr. John (Claimant/Applicant) v Mr. James (Defendant)
- d. Mr. John (Claimant/Applicant) v Mr. James (Defendant/Respondent)

9. Assuming the relationship between Mr. John and Mr. James is contractual and Mr. John has reasons to believe Mr. James wants to remove his properties from the jurisdiction of the Court to render the judgment of the court in the case nugatory, the application you would bring to court on behalf of Mr. John to prevent this is:

- a. Motion on notice for mareva injunction
- b. Motion Exparte for mareva injunction
- c. Motion on notice for Antor pillar injunction
- d. Motion on exparte for Antor pillar injunction

10. Assuming the suit against Mr. James is that of piracy of his book, titled 'Outliers, the secret of success' and Mr. John has wants to seize the pirated copies and prevent further productions, what application would you bring to prevent this?

- a. Motion on notice for mareva injunction
- b. Motion Exparte for mareva injunction
- c. Motion on notice for Antor pillar injunction
- d. Motion on exparte for Antor pillar injunction

11. The appropriate court where the application you have identified above should be brought is

- a. The Federal High Court
- b. The High Court of Lagos State
- c. The High Court of the Federal Capital Territory
- d. The National Industrial Court

12. The conditions for the grant of an injunction include all but one of the following:

- a. Legal right
- b. Substantive issue to be tried
- c. Undertaking as to success
- d. Attitude of the applicant

13. The statutory period between the service of a motion and hearing of same is:

- a. After two months of service on the respondent
- b. After two weeks of service on the respondent
- c. After two days of service on the respondent
- d. None of the above

14. A motion Exparte generally terminates after

- a. 12 days
- b. 7 days
- c. The determination of the suit
- d. 10 days

15. Where no counter affidavit is filed by the Respondent in an application for interlocutory injunction in the High Court, the Respondent will only be allowed to argue issues of:

- a. Law alone
- b. Mixed law and fact
- c. Fact alone
- d. All of the above

Yemi Ayeku sued Bukola Aboluwarin for unliquidated money he claims as damages as a result of breach of contract by Bukola. Bukola

was served with the originating processes but did not file memorandum of appearance or statement of defence within the stipulated time. The court adjourned the case to a specific date and ordered that hearing notices be served on the defendant. On the adjourned date, Bukola Aboluwarin did not show up. The court further adjourned till Feb. 29. On that date, Bukola Aboluwarin showed up but brought an application to appear out of time and file statement of defence, while Yemi Ayeku has an application for default judgment.

16. The court is confused as to the order in which to hear both applications and has called you as amicus curiae. Advise the Court on what it should do:

- a. There is no order, so the Court can hear any first
- b. Hear Yemi Ayeku's application first
- c. Hear Bukola Aboluwarin's application first
- d. Hear Yemi Ayeku's application only because Bukola's application has been overtaken by event

17. In all but one of the following, a Respondent is not required to file a counter affidavit:

- a. Where facts deposed to in an affidavit are untrue, but logical
- b. Where facts deposed to in an affidavit are manifestly self contradictory
- c. Where the Respondent wishes to oppose on point of law alone
- d. Where the Respondent is not opposing the application

Commercial Trust Bank Plc has been notified that one of its biggest customers Chief Akin Tanko has died. The Bank got the information via two letters from two different lawyers

representing the eldest son of each of Chief Tanko's wives. None of the letters cited a letter of administration or will but each demanded that the Bank pay the credit balance in the deceased's account to their client. The Bank has consulted you as an eternal solicitor for advice.

Now answer the following questions 18-21

18. What will you advise the Bank to do?

- a. Share the money in equal half and deposit in the account of the rival claimants.
- b. Apply to the court to order the claimants to take action between themselves to determine who is entitled to the money in the account.
- c. Pay the money to the government account
- d. Deposit the money with the Central Bank of Nigeria.

19. One of the following is not an essential fact that the Bank will state in the affidavit.

- a. That the bank has not concluded with the rival claimants
- b. That the bank is willing to pay the money to any person that the court directs
- c. That the bank has a special interest in the outcome of the case
- d. That the bank has no interest in the money other than charges for its services.

20. The procedure the bank will adopt is called –

- a. Sheriff interpleader
- b. Court interpleader
- c. Bank interpleader
- d. Stakeholder interpleader

21. Assuming the two eldest children file processes in court, what order can the court make to prevent the bank from paying the money to any of the claimants until the case is determined?

- a. Certiorari
- b. Mandamus
- c. Interlocutory injunction
- d. Interim injunction

22. How is an interpleader application commenced in Abuja?

- a. Summons
- b. Motion
- c. A alone
- d. A or B

23. When the court tells Counsel to “move in terms”, Counsel is expected to _____

- a. Argue his motion fully in terms of his submission.
- b. Simply tell the Court: “I move in terms of my motion paper” without more.
- c. State the rules under which the motion is brought, the prayers on the motion paper, the affidavit and adopt the written address if any.
- d. Conduct his case in terms of the reliefs sought.

24. There are two types of interpleader summons namely:

- a. General interpleader and Special interpleader
- b. Stakeholder interpleader and Sheriff interpleader
- c. Stakeholder interpleader and Agent interpleader
- d. Stakeholder interpleader and Bailiff interpleader

25. Which of the following is incorrect about affidavit?

- a. It constitutes evidence before the Court
- b. It must contain the Oath Act clause
- c. It must be adopted by the deponent before the Court can act on it
- d. None of the above

ANSWERS

WEEK 7

INTERLOCUTORY APPLICATIONS

1. (D) An example of an interlocutory application made before the trial of an action is **application for substituted service**. An example of the one made after trial is **stay of execution**.
2. (C) The questions requires you to choose which of the options is untrue of interlocutory applications. It is untrue that interlocutory applications can be used to seek perpetual order. *Okafor v AG, Anambra State*.
3. (B) *Falobi v Falobi*
4. (A) To vacate an interim order, the application must be on notice.
5. (C) The signatures are that of the Deponent and Commissioner for Oaths. Even if it is the claimant that deposes to the affidavit, he will sign as a deponent, not as the claimant.
6. (C) From the question, there are two ‘evils’: imminently and pending the determination of the case. Interim injunction will cater for the former, while interlocutory injunction will cater for the latter.
7. (D) The application in the scenario is tied to a substantive suit. It is then necessary for the parties to be properly

- designated so that the Court can know who the claimant, defendants, applicants and respondents are.
8. (C) The word 'Respondent' will not appear for Mr. James, because motion ex parte is at the instance of one party, without informing the other party. *7-Up Bottling Co. v Abiola & Sons Ltd.*
 9. (B) Mareva injunction is brought to restrain a defendant from removing his assets from the jurisdiction of the Court until the case is determined. It is brought by way of motion ex parte.
 10. (D) Antor pillar injunction is by motion ex parte.
 11. (A) Sec. 251(1)(f), CFRN.
 12. (C) There is no requirement for undertaking as to the success of the claim. What is required is undertaking for damages.
 13. (C) Order 43, Rule 4, Lagos.
 14. (B)
 15. (A)
 16. (C) Where there are two conflicting applications before the Court: one seeks to regularize or save the proceeding, while the other is 'destructive', the court would give priority to the one which is to regularize, while the other will not be heard again as it will be deemed overtaken by event. See *Nalsa Team Associates v NNPC*.
 17. (A) Where the respondent knows that the facts deposed to in an affidavit are untrue, he must file a counter-affidavit to present the correct facts.
 18. (B)
 19. (C) Order 47, Rule 2(2), Lagos.
 20. (D)
 21. (C) Interlocutory injunction lasts till the determination of the suit.
 22. (A) By the rules of Court. Order 48, Abuja.
 23. (C)
 24. (B)
 25. (C) Affidavit constitutes evidence before the court on its own; it is not conditioned on its adoption by the deponent, unlike a witness statement on oath, which must be adopted by the witness before the court can consider it as evidence.

WEEK 8

DEFAULT AND SUMMARY JUDGMENT PROCEDURE

1. The main difference between summary judgment and default judgment is that summary judgment:

- a. Is based on lack of defence to a claim
- b. Is a judgment on the merit
- c. Can easily be set aside by the court that granted it
- d. A and B

2. The types of default judgment we have does not include

- a. Judgment in default of a good defence
- b. Judgment in default of pleadings
- c. Judgment in default of appearance
- d. None of the above

Babatunde Oyemo sued your client, Dodo Osadunde at the FCT High Court for the liquidated sum of ₦400,000,000 representing his share of the profit from a joint venture allegedly entered by your client and Mr. Babatunde. Unfortunately, your client was in New York when substituted service was effected on him.

He came back to Nigeria two months later to discover that he had been sued. Two days after, he was served with an application for default judgment which is slated for hearing on the 20th of May, 2020. He immediately briefed you to represent him.

Now answer the following questions 3-6

3. The step you will take to ensure that the case is heard on its merit and not in default is:

- a. Apply for the application for default judgment to be set aside

- b. Seek leave to file statement of defence out of time
- c. Seek leave of court to appear out of time
- d. Seek leave to file memorandum of appearance, statement of defence and necessary documents out of time

4. The mode by which the application you seek above will be brought is:

- a. Motion on notice
- b. Originating motion
- c. Motion ex parte
- d. Petition

5. Assuming judgment had been given against your client and you would like to set it aside, the application you would bring would be by:

- a. Motion on notice
- b. Originating motion
- c. Motion ex parte
- d. Petition

6. The following are conditions to be fulfilled before a default judgment can be set aside by the granting judge except:

- a. Evidence of payment of penalty
- b. Application to set aside must be brought within a reasonable time
- c. Undertaking as to damages
- d. A good defence to the claim

At the Law Firm of Oladipo Olasope where you did your externship, your principal informed you that one of his clients, Moyo Akinsete, a very popular philanthropist who lives in Lagos Nigeria lent her childhood friend, Opeyemi Okeke the sum of ₦12,000,000 to set up her mechanised farming business. The loan agreement was entered in Lagos and guaranteed by Opeyemi's boyfriend, Teetah Excellent who resides in

Abuja. Opeyemi Okeke has defaulted in repaying the loan despite repeated demands from Moyo Akinsete. Moyo Akinsete has therefore decided to commence an action at the Lagos High Court against both Opeyemi and Teetah in order to recover the money from them. Answer the following questions:

7. Assuming she desires to adopt the fastest procedure to get judgment expeditiously against the defendants, which of the following procedure will be the most appropriate?

- a. Commence the action under the undefended list procedure
- b. Summary Judgment under Order 13 of the High Court of Lagos State Rules
- c. Summary Judgment under Order 11 of the High Court of Lagos State Rules
- d. Summary Judgment under Order 35 of the High Court of Lagos State Rules

8. In achieving the procedure you have identified above, one of the following is not part of the documents to be filed?

- a. Motion on notice for summary judgment
- b. Certificate of Pre-action counselling
- c. Copies of documents to be relied upon
- d. None of the above

9. If the defendant intends to defend the suit, he is expected to file his statement of defence and other accompanying documents within how many days?

- a. 14 days
- b. 21 days
- c. 42 days
- d. 30 days

10. If the matter were to be before the High Court of the Federal Capital Territory, your answer in 9 above would be:

- a. 21 days
- b. 42 days
- c. 14 days
- d. 30 days

11. If on the date fixed for trial, the defendants did not show up, neither did they file statement of defence, which of the following accurately captures the kind of judgment the claimant can obtain in that regard?

- a. Default judgment
- b. Judgment on the merit
- c. Summary judgment
- d. All of the above

12. The following, except one, are incorrect about the undefended list procedure:

- a. It can be used for both liquidated and unliquidated claims
- b. It is applicable in both Lagos and Abuja
- c. It can be used in actions for declaration of title to land
- d. It can only be used for liquidated monetary claim

13. The undefended list procedure is commenced by filing:

- a. Writ of Summons, Exparte motion and Affidavit
- b. Writ of Summons, Motion on Notice and Supporting Affidavit
- c. Writ of Summons and Affidavit
- d. None of the above

14. In Lagos, Order 13 procedure applies to:

- a. All kinds of claim before the Lagos State High Court
- b. Only claims for liquidated money demand

- c. Only claims for unliquidated money demand
- d. Only claims brought by undefended list

Bobby Dude, a car dealer who resides in Obanikoro, Lagos supplied a 2019 Toyota camry model to Chief Odogwu of Oaklane Avenue, Maitama, Abuja at the cost of ₦10,000,000 (Ten Million Naira Only). On delivery of the vehicle to Chief Odogwu in his residence in Abuja, Bobby Dude was paid N5 million (Five Million Naira Only, meanwhile, the agreement between the parties states that the total cost be paid on delivery. Bobby Dude has made several efforts to get the balance of N5 million but Chief Odogwu has continued to make unfulfilled promises.

You have been approached by Bobby Dude to institute action for the recovery of the debt.

15. Where will you file the action to recover the debt?

- a. Lagos State High Court
- b. High Court of the FCT
- c. High Court of the Federation
- d. Any High Court of competent jurisdiction

16. The procedure you would adopt in order to recover the money is:

- a. Summary judgment procedure under Order 13
- b. Undefended list procedure under Order 11
- c. Undefended list procedure under Order 35
- d. Summary judgment procedure under Order 12

17. Assuming Chief Odogwu intends to defend the suit, what should he do?

- a. File a statement of Defence
- b. File a Notice of intention to defend
- c. File a counter Affidavit
- d. File demurrer proceeding

18. The time limit within which Chief Odogwu is expected file the document you have identified above is:

- a. Before 5 days to the return date on the writ
- b. Before 7 days to the return date on the writ
- c. Within 21 days of being served the originating process
- d. Within 42 days of being served the originating process

19. Assuming on the return date, the defendant fails to appear or files any document showing his intention to defend the suit and the court proceeds to judgment, the type of judgment given will be:

- a. Judgment in default of appearance
- b. Judgment in default of pleadings
- c. A and B
- d. Judgment on the merit

Chief Mazi Obiekwe sued Mr Zakky Toby before the High court of Lagos State, Igboere judicial division for declaration of title to a plot of land situate at Ojota market Igboere District and for damages for trespass. It is 2 months now after service of the processes on the defendant and he has failed to respond. As a result of this, the Claimant filed a motion on notice for default judgment. When the defendant got notice of the claimant's application, he filed a motion on notice for extension of time within which to enter appearance

20. One of the following statements is true about the motion for default judgment filed by the Claimant above:

- a. It was not proper as default judgment cannot be made in cases of declaration of title to land
- b. It should be brought by Motion ex parte
- c. It is proper provided it was supported with an affidavit and a written address
- d. None of the above

21. When a suit on the undefended list comes to the court for the first time, it is for:

- a. Mention
- b. Hearing
- c. Motion
- d. Adjournment

22. Where leave is given to defend under the undefended list procedure, the matter is placed on

- a. The general cause list
- b. The special cause list
- c. The ordinary cause list
- d. The Cause book

ANSWERS

WEEK 8

DEFAULT AND SUMMARY JUDGMENT PROCEDURE

1. (D) Summary judgment is based on lack of defence to the claim and it is a judgment on the merit, which cannot easily be set aside by the judge that granted it.
2. (A) The two types of default judgments are judgment in default of pleadings and judgment in default of appearance.
3. (D)
4. (A) It is necessary that the other party be put on notice when seeking leave to enter appearance out of time.
5. (A) Application to set aside a default judgment is by motion on notice.
6. (C) Order 10, Rule 11, Abuja.
7. (B) There is no undefended list procedure in the Lagos Rules and summary judgment procedure under the Rules is contained in Order 13.
8. (B) Certificate of pre-action counseling is only peculiar to Abuja.
9. (C) Order 17, Rule 1(2), Lagos Rules
10. (A) Order 15, Rule 1(2) Abuja.
11. (A) For summary judgment procedure under Order 13 and 11 of Lagos and Abuja Rules respectively, if the defendant fails to file memorandum of appearance or statement of defence, the type of judgment the claimant can obtain is **default judgment** and not **summary judgment**. One key difference between the two is that the former is not on the merit, thus can easily be set aside by the court that granted it. However, summary judgment is a judgment on the merit.

12. (D) The other options are incorrect about the undefended list procedure. It's only applicable in Abuja and is limited to liquidated monetary claims. Order 35, Abuja.
13. (C) Undefended list procedure is by filing writ of summons and affidavit stating the ground on which the claim is based and the deponent's belief that there is no defence to the claim. Order 35, Rule 1, Abuja.
14. (A) One of the main differences between the undefended list procedure and summary judgment under Order 13/11 is that the latter is not limited to claims for liquidated monetary damages, but applies to all kinds of claims.
15. (B) This is because the contract was performed in Abuja and that is where the defendant resides. Order 3, Rule 3, Abuja.
16. (C)
17. (B) Where a defendant intends to defend a suit under the undefended list procedure, he is expected to file a notice of intention to defend before 5 days to the return date on the writ.
18. (A)
19. (D) Failure of the defendant to appear or defend under the undefended list warrants a judgment on the merit, not a default judgment. Ben Thomas Hotel Ltd v Sebi Furnitures Ltd.
20. (A)
21. (B) When a suit on the undefended list comes to the court for the first time, it is for hearing.
22. (C) Where leave is given to a defendant to defend under the undefended list procedure, the matter is transferred to the ordinary cause list.

WEEK 9

PLEADINGS

Rasheed Ijaodola commenced an action against Yusuf Ali at the High Court of Lagos State for a declaration of title to land and claim of ₦10,000,000 (Ten Million Naira) as unliquidated damages caused by the trespass committed on the land which he claims has caused a depreciation on the value of the land. He believed that the defendant does not have any defence to the claim because he is armed with all the evidence. The originating process was served on the defendant on the 1st of March, 2020 by Barrister Sergio.

Answer the following questions above.

1. Within how many days after receipt of the originating process is the defendant expected to file his statement of defence?
 - a. 21 days
 - b. 42 days
 - c. 14 days
 - d. 7 days
2. If the claimant decides to reply, within how many days after the receipt of the statement of defence must he file the reply?
 - a. 14 days
 - b. 7 days
 - c. 21 days
 - d. 42 days
3. Assuming the defendant fails to file his statement of defence within the prescribed time period by the Rules of Court, pleadings shall be deemed closed....
 - a. After the 42 day prescribed period
 - b. After the 21 days prescribed period
 - c. After the 14 days prescribed period
 - d. After the 7 days prescribed period

4. Assuming the action brought by the claimant is one for the recovery of debt from the defendant in the sum of ₦100,000; in addition to the statement of defence filed by the defendant, he counterclaims that the claimant owes him the amount of ₦70,000. As the counsel to the claimant, which of the following is the appropriate heading of the document to be filed?

- a. Reply to counter claim and defence to statement of defence
- b. Response to statement of defence and reply to counter claim
- c. Reply to statement of defence and defence to counter claim
- d. Response to counter claim and reply to statement of defence

5. In the originating process filed by Barrister Sergio on behalf of his client, the claim of ₦10,000,000 as damages was endorsed on it, however, he omitted this claim in the statement of claim. At the trial, what is the effect of the omission?

- a. It is still deemed to be properly claimed as it is contained in the originating process
- b. It will lead to striking out of the action
- c. The effect is based on the discretion of the court
- d. It is deemed abandoned

6. All but one of the following are essential parts of the statement of claim filed by Rasheed Ijaodola

- a. Matters of inducement
- b. Body
- c. Reliefs
- d. None of the above

7. All of the following are incorrect about set off except:

- a. It can be used as a shield as well as a sword
- b. It can only be used where there are monetary claims
- c. It is used specifically for monetary claims and declaratory reliefs
- d. It is available for both a claimant and a defendant in a suit

On the 20th of February, 2020, while travelling to the Gwagalada Specialist Hospital as a consultant to perform an operation on a patient, Dr. Lukeman Hassan was hit from behind by a lorry with number plate 30,409,ABJ driven by one Mr. Holloway, a driver to Better Sand Nigeria Ltd. Dr. Lukeman was unconscious and was rushed to the hospital where he received treatment worth of ₦10 million. He has decided to sue Mr. Holloway and Better Sand Nigeria Ltd at the High Court of the FCT, Gwagalada Judicial Division for negligence. He has instructed you to do pursue the claim on his behalf.

Now answer the following questions

8. When will the statement of claim be filed in this case?

- a. 21 days after commencing the action
- b. 21 days after filing the writ of summons
- c. It will be filed along with the writ of summons
- d. 14 days after filing the writ of summons

9. Within how many are the defendants expected to file their statement of defence after being served with the originating processes?

- a. Within 14 days
- b. Within 42 days
- c. Within 7 days
- d. Within 21 days

10. All but one of the following are functions of pleadings:

- a. It serves as evidence to prove a party's case
- b. It constitute permanent records before the Court
- c. It shows on whom lies the burden of proof
- d. Defines and ascertain the issues between the parties

11. In all but one of the following, amendment of pleadings will be permitted by the Court

- a. For the purpose of determining the real issues raised in the proceeding
- b. To bring pleadings in line with evidence already adduced
- c. To include facts not in existence at the time of commencement of the action but now seems necessary
- d. To correct a misnomer in the name of the parties

12. Assuming the matter between the parties has proceeded to trial, what's the maximum number of times parties can seek to amend their pleadings during that stage?

- a. Amendment is not allowed during trial
- b. As many times as possible
- c. Not more than twice
- d. Not more than three times

13. The most appropriate procedure for amendment of pleadings where facts are likely to be disputed is:

- a. By oral application made before the Court

- b. By motion on notice supported by an affidavit and a written address
- c. By motion Exparte supported by an affidavit and a written address
- d. By originating application supported by an affidavit and a written address

14. Assuming leave to amend was granted by the presiding judge to you as counsel to Dr. Lukeman but no time limit was stipulated for compliance, within how many days after the order must you comply?

- a. 5 days
- b. 7 days
- c. 10 days
- d. 14 days

15. Failure to comply within the stipulated time frame will lead to one of the following

- a. A daily default fee of ₦1000
- b. A daily default fee of ₦400
- c. A daily default fee of ₦500
- d. A daily default fee of ₦100

16. Assuming the original date of filing the statement of claim was 12th of March, 2020 and the pleading was amended on the 2nd of May, 2020, the effective date of the pleading is:

- a. 2nd of May, 2020
- b. 9th of May, 2020
- c. 16th of May, 2020
- d. 12th of March, 2020

17. In the statement of claim, the first paragraph usually contains what is known as:

- a. Introductory averments
- b. General traverse
- c. Matters of inducement
- d. A or C

18. Paragraph 7 of the claimant's statement of claim contains this fact

"The claimant avers that the first defendant was drinking when he lost control of the lorry and hit the claimant."

If the first defendant wants to deny that fact, which of the following is the most appropriate denial?

- a. The defendant denies not drinking alcohol or anything while driving
- b. The defendant denies that he was drinking alcohol or anything while driving
- c. The defendant admits paragraph 7 only to the extent that he was drinking but denies every other allegation of facts contained in the paragraph
- d. The defendant admits that he was drinking but also avers that the claimant was driving recklessly

19. "SAVE AND EXCEPT" is used for which of the following?

- a. General traverse
- b. Confession and avoidance
- c. Traverse of allegations partly true
- d. Objection on point of law

20. Only one of the following need not be specifically pleaded:

- a. Plea of res ipsa loquitur
- b. Statute of limitation
- c. Defamatory words in defamation
- d. None of the above

ANSWERS

WEEK 9

PLEADINGS

1. (B) A defendant in Lagos is expected to file statement of defence within 42 days of receiving an originating process. Order 17, Rule 1(2), Lagos.
2. (A) Order 17, Rule 1(4), Lagos.
3. (A) Order 17, Rule 18, Lagos.
4. (C) The claimant is expected to **reply to statement of defence and defend the counter-claim.**
5. (D) The principle is that any claim on the writ which is omitted in the statement of claim is deemed abandoned. Elf Nigeria Ltd v Sillo. But any relief which is not in the writ but claimed in statement of defence is deemed to have been properly claimed. The Statement of claim supersedes in the event of conflict between it and the Writ.
6. (D) The parts of a statement of defence are: introductory part also called matters of inducement, main body and the reliefs sought.
7. (B) Set off is only applicable for monetary claims. It is a shield and not a sword, available only to the defendant in an action.
8. (C) A statement of claim is one of the documents to accompany an originating process.
9. (D) A defendant in Abuja is expected to file his statement of defence within 21 days after being served with the originating process. Order 15, Rule 1(2), Abuja.
10. (A) Pleadings do not constitute evidence before the court.

11. (C) Amendment of pleadings would not be allowed to accommodate facts which were not in existence at the time the action was commenced. See *Gowon v Ike-Okongwu*.
12. (C) Order 25, Rule 1, Abuja. A party will not be allowed to amend his pleadings more than twice during trial. However, there is no limit to the number of times pleadings can be amended during a pre-trial or case management conference.
13. (B)
14. (B) Order 25, Rule 4, Abuja.
15. (D) Order 25, Rule 4, Abuja.
16. (D) Amendment is retrospective, and dates back to the day the original pleading was filed. *Oguma v Ibera*.
17. (D)
18. (B)
19. (A)
20. (D)

WEEK 10

PRE-TRIAL ISSUES AND PRE-TRIAL PROCEEDINGS

1. A defendant who wishes to object to the jurisdiction of the court to try an action can do so through any of the following means except

- a. Demurrer
- b. Motion on notice for preliminary objection
- c. Statement of defence
- d. Proceeding in lieu of demurrer

In a case instituted by George Gregor at the High Court of the FCT against McCarthy over a large expanse of land at the Maitama District, Abuja, parties have exchanged pleadings, joined issues and the case has been set for pre-trial conference. You are an extern in the office of Mr. Goodness, counsel to the claimant and your principal has told you to follow him to the conference to participate fully in the proceeding. Now answer the following questions:

2. Within how many days after the close of pleadings by the parties is the claimant expected to apply for issuance of pre-trial conference notice?

- a. 15 days
- b. 7 days
- c. 14 days
- d. 5 days

3. If the claimant fails to apply for the pre-trial conference notice within the prescribed period, which of the following options is opened to the defendant?

- a. Apply for the issuance of the pre-trial conference notice
- b. Apply for the dismissal of the case
- c. Apply for the case to be set for trial

d. A or B

4. The pre-trial notice and pre-trial information sheet issued to your principal was in form..... of the Abuja Rules

- a. Form 18 and 19
- b. Form 19 and 20
- c. Form 17 and 18
- d. Form 20 and 21

5. On the date fixed for the pre-trial conference, neither the defendant nor his counsel was present for the proceeding. Which of the following represents the proper order the Court would have given in the circumstance?

- a. Dismiss the action
- b. Set the action for trial immediately
- c. Strike out the action
- d. Give judgment accordingly

6. You were surprised by the order given in 5 above and you asked your principal if the same order would have been given if it was the claimant and his legal practitioner that were absent at the conference. In that instance, the order the Court would give is:

- a. Enter judgment against the claimant
- b. Set the action for trial immediately
- c. Dismiss the action
- d. Strike out the action

7. Assuming judgment was given against a defendant for failure to participate in the pre-trial conference and he wishes to set it aside, within how many days after the judgment must the application to set aside be brought before the Court?

- a. 14 days
- b. 3 days
- c. 7 days
- d. 10 days

You are a counsel to Mrs Beatrice Coke in an action she instituted against Soshine Brewery Ltd at the High Court of the FCT for breach of contract of supply and claiming the sum of ₦5,000,000 as money received for a consideration which had failed. She seeks to rely on the written contract of supply dated Feb. 20, 2020 and the payment receipt dated March 20, 2020. The original copies of these documents were lost when Mrs Beatrice relocated from her former house in April 2020. Presently, pleadings have been closed and you wish to comply with pre-trial proceedings before setting the matter for trial.

Answer the following questions

8. The process you will draft and serve on the defendant for the discovery of the documents in this case is:

- a. Witness summons requesting him to come to court with the documents
- b. Letter requesting him to make discovery on oath
- c. Subpoena summoning him to come to court with the documents
- d. Notice to admit

9. Within how many days after close of pleadings must the process for the discovery be served on the defendant?

- a. 14 days
- b. 15 days
- c. 5 days
- d. 7 days

10. The form to be used to answer request for discoveries of the documents by the defendant shall be in_____

- a. Form 20
- b. Form 21
- c. Form 22

d. Form 23

11. Pre-trial conference with respect to any case in Abuja shall be completed within what time period of its commencement?

- a. 30 days
- b. 1 month
- c. 60 days
- d. 3 months

12. Pre-trial conference and case management conference is contained in Order_____ of Lagos and Abuja Rules respectively

- a. 26 and 26
- b. 27 and 27
- c. 28 and 28
- d. 29 and 29

13. Interrogatories, which are in form_____ shall be delivered within_____days of the close of pleadings in Lagos State?

- a. Form 19, 14 days
- b. Form 19, 7days
- c. Form 20, 14 days
- d. Form 20, 7 days

14. Interrogatories shall be answered by_____as provided in what form in Lagos?

- a. Affidavit, form 20
- b. Pleadings, form 20
- c. Affidavit, form 19
- d. Pleadings, form 19

In order to test your requisite knowledge of Case Management Conference, your field supervisor invited you to attend a Case Management Conference. After the proceedings, he asked you some questions, among them:

15. Within how many days after the close of pleadings must a claimant in Lagos apply for the issuance of Case Management Conference?

- a. 14 days
- b. 7 days
- c. 10 days
- d. One month

16. In Lagos, the duration of the Case Management Conference with respect to any matter shall not exceed

- a. One month unless extended by the Judge
- b. One month
- c. 3 months unless extended by the Judge
- d. 3 months

17. During case management conference, what's the maximum number of times in which parties can amend their pleadings?

- a. Not more than twice
- b. Not more than three times
- c. Not more than four times
- d. There is no maximum number

18. One of the following shall constitute the agenda for Case Management Conference as stated under the Rules

- a. Adoption of witnesses statement on oath
- b. Registration of the judgment of the Case Management judge
- c. Control and scheduling of discovery, inspection and production of documents
- d. Media coverage of the Case Management proceedings

19. What are the processes that you need to file to commence the Case Management Conference?

- a. Statement of defence, affidavit in support, witness statement on oath, and list of witnesses
- b. Case Management notice and case management information sheet
- c. Writ of summon, statement of claim and application for Case management conference
- d. Case Management certificate and verifying affidavit

20. Assuming the claimant and his counsel were absent on the date fixed for Case management conference, which of the following steps can properly be taken by the Court?

- a. Enter judgment against the claimants
- b. Enter judgment against the defendants
- c. Award cost against the claimant
- d. Dismissal of the action of the claimant

ANSWERS

WEEK 10

PRE-TRIAL ISSUES AND PRE-TRIAL PROCEEDINGS

1. (A) Demurrer has been abolished in both Lagos and Abuja Rules. Order 24, Lagos, Order 23, Abuja.
2. (B) Order 27, Rule 10, Abuja.
3. (D) Order 27, Rule 10(3), Abuja.
4. (B)
5. (D) Order 27, Rule 16(b), Abuja. If it were the claimant or his legal practitioner that was absent, the case would be dismissed.
6. (C)
7. (C)
8. (B) Order 28, Rule 8(1), Abuja.
9. (D)
10. (D) Order 28, Rule 8(3), Abuja.
11. (A) Order 27, Rule 14, Abuja.
12. (B)
13. (B) Order 29, Rule 1, Lagos.
14. (A) Order 29, Rule 4, Lagos.
15. (A) In Lagos, it is 14 days, while in Abuja, it is 7 days. Order 27, Rule 1, Lagos Rules.
16. (C) Order 27, Rule 3, Lagos.
17. (D) Order 26, Rule 1, Lagos.
18. (C) Order 27, Rule 2(b), Lagos.
19. (B)
20. (D)

WEEK 11

TRIAL PREPARATION AND EVIDENCE

1. Which of the following is true of the evidence of a child who has not attained the age of 14 years?

- a. The child can only give an unsworn evidence
- b. The child can give both sworn and unsworn evidence
- c. The child can only give sworn evidence
- d. The child is capable of giving sworn evidence but can decide not to on ground of religion.

2. By the provision of the Evidence Act, before receiving their testimonies in court, caution is required to be given to _____

- a. All witnesses
- b. Only witnesses subpoenaed to come to court
- c. Hostile witnesses
- d. Eye witnesses

3. Which of the following is not a form of primary evidence?

- a. Documents executed in several parts
- b. Copy of a document made by a uniform process, like printing
- c. Photocopy of a public document presented in court for inspection
- d. Copies of documents made using carbon paper

In a defamation suit brought by Dr. Gbajabiamila Olowokere against Senator Ahmed Kabiru, where the former claims that the latter has defamed him by making a public statement published in all the national newspapers that he is a quack doctor who is

only fit to live with pigs. The defendant relies on the defence of justification alleging that the claimant never qualified to practice as a Medical Practitioner but only possesses a forged certificate.

4. To sustain his claim, the standard of proof required of the claimant is:

- a. Proof beyond reasonable doubt
- b. Balance of probability
- c. Strict proof
- d. Proof to the satisfaction of the Court

5. Assuming Dr. Gbajabiamila claims the sum of N5 million as special damages from Senator Ahmed, to be entitled, the special damages claimed must be:

- a. Proved beyond reasonable
- b. Proved on the preponderance of evidence
- c. Proved to the satisfaction of the court
- d. Strictly proved

6. When the defendant challenges Dr. Gbajabiamila to tender the document of his qualification as a Medical Practitioner in Nigeria, the claimant claims that the document has been destroyed by fire and seeks to tender a secondary evidence of it. What form of secondary evidence of the above document will be admissible?

- a. Any secondary evidence of the content of the document is admissible
- b. Only the written statement of the Provost of the College where the certificate was obtained is admissible
- c. Only the certified copy of the document is admissible
- d. Only the photocopy of the document is admissible

7. Which of the following is not a public document?

- a. Primary school leaving certificate
- b. Certificate of title issued by the Land Registry
- c. Call to Bar certificate
- d. Unregistered deed of assignment

Following the recent presidential election that was conducted in the Federal Republic of Nigeria, the candidate of the Youth must lead political party, Obafemi Thanni was declared winner of the election, while the candidate of Creative Nigerian Youth, Asundemade Habeeb, was declared the first runner up. Asundemade Habeeb has decided to contest the election result claiming that the President elect was invalidly elected as a result of fraud perpetuated by the political party.

8. To sustain his claim of fraud, the standard of proof required of Asundemade Habeeb is:

- a. Balance of probability
- b. Preponderance of evidence
- c. Proof beyond reasonable doubt
- d. A and B

At the trial of the case, the petitioner's counsel, Mr. Oracle SAN sought to tender the CTC of polling unit results and the respondent's counsel, Mr. Highpriest SAN objected on the ground that only the original copies of the polling units' results are admissible in evidence. The objection was upheld by the Court.

9. Which of the following is the best comment in law on the ruling of the court?

- a. The ruling was right as only the original of a public document is admissible
- b. The ruling was wrong because CTCs of public documents are admissible

- c. The ruling was wrong because photocopies of public documents are admissible
- d. The ruling was wrong because the documents in question are not even public documents

10. Assuming the Petitioner sought to tender the photocopy of the CTC of polling unit results, which of the following is true

- a. The photocopy of a CTC of a public document cannot be admissible in any circumstances
- b. To be admissible, it has to be with the consent of the presiding Justices
- c. To be admissible, the photocopy must be re-certified by the appropriate authority
- d. The photocopy is automatically admissible

11. Generally, there are ____ types of documents in the Evidence Act, namely

- a. Two, primary document and secondary document
- b. Four, primary, secondary, public and private documents
- c. Two, public document and personal document
- d. Two, public document and private document

12. The conditions for the admissibility of computer generated evidence are set out in what section of the Evidence Act?

- a. Section 84
- b. Section 89
- c. Section 91
- d. Section 86

13. Which of the following accurately represents the general rule of law?

- a. Every person is a compellable witness but not every person is a competent witness
- b. Every person is a competent witness but not every person is a compellable witness
- c. Every person is both a competent and compellable witness
- d. Every person is not a competent and compellable witness

14. The following except one are ways of compelling witnesses to testify in a civil case

- a. Bench warrant
- b. Witness summon
- c. Subpoena
- d. None of the above

15. All but one of the following can be compelled to give evidence in Court

- a. Speaker, House of Assembly of Oyo State
- b. Deputy Governor of Oyo State
- c. Former Vice President, Nnamdi Sambo
- d. First Lady, Aisha Buhari

16. In civil litigation, the conditions for the admissibility of a document as evidence does not include:

- a. The document must be pleaded
- b. The document must be a primary document
- c. The document must be relevant
- d. The document must be in a form admissible in law

17. A competent witness is

- a. A witness that is eligible to testify in a judicial proceeding
- b. A witness that is obliged to give evidence in court

- c. A witness that has special knowledge in the area he is called to testify
- d. A witness that can be compelled by subpoena but summoned to give evidence

18. All the following except one are generally inadmissible:

- a. Hearsay evidence
- b. Character evidence
- c. Opinion evidence
- d. Unsworn evidence of a child

In a suit by the Ambassador of South Africa against Chief Lusaka over plot 12, Ribadu Street, Ikoyi, Lagos, Chief Lusaka has served a subpoena on the Ambassador to testify on his behalf

19. One of the following is not incorrect as reflecting the position of the law

- a. Both the suit and the subpoena are incompetent as the ambassador is both incompetent and is not compellable
- b. Only the subpoena is incompetent as the Ambassador is compellable
- c. The ambassador is both compellable and competent having waived his right
- d. The suit being over land, the ambassador has no immunity

20. Assuming the subpoena above was rightly issued, it will be in the name of:

- a. Governor of Lagos State
- b. Chief Judge of Lagos State
- c. Chief Justice of Nigeria
- d. President of Nigeria

ANSWERS

WEEK 11

TRIAL PREPARATION AND EVIDENCE

1. (A) Sec. 209(1), Evidence Act (E.A), 2011.
2. (B) See Sec. 206. Cautioned is required to be given to any witness summoned to give oral evidence.
3. (C) Photocopy of any document is a secondary evidence. Sec. 87, E.A.
4. (B) In civil cases, the standard of proof is balance of probabilities or preponderance of evidence. Sec. 134, E.A.
5. (D)
6. (C) Since the document in question is a public document, the only secondary evidence of a public document that is admissible is the certified true copy. Sec. 89 and 90, E.A.
7. (D)
8. (C) Allegation of fraud is a criminal act, which must be proved beyond reasonable doubt. Sec. 135, E.A.
9. (B)
10. (C) For the photocopy of a CTC of a document to be admissible, it has to be re-certified. *Araka v Egbue*.
11. (D)
12. (A)
13. (C)
14. (A) Bench warrant is issued by the Judge or Magistrate to arrest an accused person who has jumped bail in a criminal case.
15. (B)
16. (B)
17. (A)
18. (D)
19. (C)
20. (A) Order 36, Rule 21, Lagos. Form 26, Lagos Rules.

WEEK 12

TRIAL, EXAMINATION OF WITNESSES

1. There are ____ stages of examination of witnesses:
 - a. 2
 - b. 3
 - c. 4
 - d. 5
2. The circumstances where leading questions may be allowed during examination in chief do not include:
 - a. Where the defence counsel permits it
 - b. Where the court permits it
 - c. On introductory matters
 - d. On matters that are not disputed
3. A hostile witness is one
 - a. Who has refused to speak in court
 - b. Who has been a witness for the adverse party before in another case
 - c. Who refuses to speak the truth
 - d. Who takes bribe for his evidence
4. In civil litigation, the following are true about examination in chief except:
 - a. It is restricted to adoption of witness statement on oath and tendering of documents
 - b. Open questions are also used
 - c. Leading questions can be used without restriction
 - d. Counsel cannot impeach the credit of the witness during examination in chief

During a brief hearing in a civil matter before the High court of FCT Abuja, the following conversation ensued;

Counsel: You are Hakeem Tunde of No 12 Asokoro Close, Abuja, a civil servant, am I correct?

Witness: Yes My Lord

Counsel: What do you want to do with your written statement on oath?

Witness: You are my lawyer; you know the best, do whatever you think is right with it.

Answer the Following Questions

5. What stage of examination of witnesses is shown from the scenario?

- a. Cross examination
- b. Evidence of good character
- c. Re-examination
- d. Examination-in-chief

6. What type of question was the first question asked by the counsel in the above scenario?

- a. Leading question
- b. Closed question
- c. Open question
- d. Direct question

7. The most probable reason why the opposing counsel did not raise objection to the first question is that:

- a. There is no problem with the question at all
- b. The question relates to introductory matters
- c. He is a new wig and didn't want embarrassment
- d. None of the above

8. What was the proper response when the witness was asked what he wants to do with his written statement on oath?

- a. My Lord I want to tender the statement in evidence

- b. My Lord please accept the statement since it is on oath
- c. My Lord I adopt the statement on Oath as my oral evidence in this case
- d. None of the above

9. If you are the opposing Counsel, what will you do when the witness adopted his written statement on oath?

- a. Apply for a short adjournment
- b. Apply for the case to be stand down
- c. Urge the court to declare the witness a hostile witness
- d. Cross examine the witness based on his written statement on oath

During the cross-examination of the claimant's witness, the defendant's counsel asked questions on matters not stated in the witness statement on oath. Objection was raised by the claimant's counsel in that regard but the court overruled the objection.

10. Which of these statements is correct about objections?

- a. Objections can be raised at anytime by either party during the course of proceedings
- b. Objections are restricted only to examination-in-chief
- c. Objections can only be raised during re-examination
- d. None of the above

11. The claimant sought to tender a document through its witness. Immediately the counsel applied to tender the document as an exhibit during the trial, the next step is:

- a. For the Registrar to mark the document as an exhibit
- b. For the Judge to inspect the document and make a note as to its reception or rejection

- c. For the Judge to direct that the document be shown to the opposing party for possible objections
- d. For the Judge to direct that the document be shown to the witness for confirmation

12. Assuming the document sought to be tendered was rejected by the court, what should the court do?

- a. Mark it as 'rejected'
- b. Mark it as 'tendered and rejected'
- c. Mark it as 'tendered and inadmissible'
- d. Mark it as 'simply inadmissible'

13. Generally, cross examination is not necessary in all but one of the following circumstances:

- a. Where evidence obtained in examination in chief is self contradictory
- b. Where evidence obtained in examination in chief is substantial
- c. Where evidence obtained in examination in chief is adverse to the case of the party that conducted it
- d. Where evidence obtained in examination in chief is not inimical to the case of the other party

14. The following questions are not permitted during cross-examination except:

- a. Indecent questions
- b. Scandalous questions
- c. Question to shake witness' credit by injuring his character
- d. None of the above

15. All except one are incorrect about re-examination of witnesses

- a. It is done by the other party who did not call the witness

- b. It is necessary when no cross examination was made
- c. New matters can easily be raised therein
- d. Leading questions are generally not allowed

16. Assuming at the trial of a case, if the only witness of the claimant has refused to attend court to tender a document that is vital to the case, the witness' attendance can be compelled by:

- a. Subpoena duces tecum
- b. Subpoena ad testificandum
- c. Subpoena ad testificandum et duces tecum
- d. All of the above

ANSWERS

WEEK 12

TRIAL, EXAMINATION OF WITNESSES

1. (B) Sec. 214, E.A.
2. (A) Sec. 221, E.A. The circumstances where leading questions may be asked during examination-in-chief include introductory matters, undisputed matters and matters, which in the opinion of the court, have been sufficiently proved.
3. (C) See Esan v State. A hostile witness is defined in that case as one who has refused to tell the truth. This is because a witness is presumed to testify in favour of the party that brings him; when he turns out to be otherwise, the Court will discountenance his statement.
4. (C) Due to the frontloading system which is applicable in many jurisdictions, examination-in-chief has

been limited to adoption of witness' statement on oath and tendering of documents. However, leading questions are not allowed to be asked, as a general rule, during examination-in-chief.

5. (D)
6. (A)
7. (B)
8. (C) A witness must adopt his statement on oath before the Court can treat such as evidence. The adoption must be unequivocal.
9. (D)
10. (A) Objections can be raised at any time in the course of a proceeding.
11. (C) When a counsel applies to tender a document as evidence before the Court, the Judge must direct that the document should be shown to the other party for any possible objection.
12. (A) Order 32, Rule 19, Abuja.
13. (B) The first rule on techniques in cross examination is 'do not cross examine. Where the evidence obtained from examination-in-chief is self-contradictory, and helps the case of your client, cross examination is unimportant.
14. (C) Sec. 223(c), E.A,
15. (D) Just like in examination-in-chief, leading questions are generally not allowed in re-examination.
16. (A) Since the witness is coming to Court to tender a document, subpoena duces tecum is what is appropriate.

WEEK 13

CLOSING ADDRESS AND JUDGMENT

1. All but one of the following constitutes evidence before the Court when proper procedures are followed:

- a. Affidavit
- b. Exhibits
- c. Witness statement on oath
- d. Final/written address

In a defamation suit brought brought by Dr. Gbajabiamila Olowokere against Senator Ahmed Kabiru at the High Court of Lagos State, where the former claims that the latter has defamed him by making a public statement published in all the national newspaper that he is a quack doctor who is only fit to live with pigs. The defendant relies on the defence of justification and presents evidence by calling witnesses to prove that that the claimant never qualified to practice as a Medical Practitioner but only possesses a forged certificate.

2. Based on the Rules of court, after the close of the trial, who is to file written address first?

- a. Dr. Gbajabiamila Olowokere
- b. Senator Ahmed Kabiru
- c. A or B
- d. It depends on the discretion of the court

3. The written address must be filed within how many days of the close of evidence?

- a. 21 days
- b. 14 days
- c. 7 days
- d. 30 days

4. By the Rules of Court, the written address of the parties shall not exceed how many pages?

- a. 30 pages
- b. 21 pages
- c. 20 pages
- d. 40 pages

5. In this case, who will be entitled to a right of reply?

- a. The court
- b. Both parties
- c. Dr. Gbajabiamila Olowokere
- d. Senator Ahmed Kabiru

6. Within how many days after service of the other party's written address must the reply be filed?

- a. 21 days
- b. 14 days
- c. 7 days
- d. 5 days

7. The reply shall not exceed:

- a. 5 pages
- b. 7 pages
- c. 10 pages
- d. 14 pages

8. Assuming in the above case, the defendant did not call any witness but only tendered the forged certificate of the doctor, who is to file written address first?

- a. The defendant
- b. The claimant
- c. Any of the parties
- d. As may be directed by the court

9. In any civil case, the defendant will address Court first:

- a. If the claimant does not adduce evidence.
- b. If the defendant does not adduce evidence
- c. If the claimant adduces evidence
- d. If the defendant adduces evidence

10. The time limit within which parties are allowed to argue orally their written address before the Court is:

- a. 10 minutes
- b. 20 minutes
- c. 30 minutes
- d. 40 minutes

11. The judgment of the court in question 2 above must be delivered:

- a. Within 90 days after close of evidence
- b. Within 3 months after the close of evidence
- c. Within 90 days after final addresses
- d. Within 3 months after final addresses

In January 2020, Joseph Aaron instituted an action at the National Industrial Court against Panorama Industries Ltd for unlawful termination of employment, claiming reinstatement and damages. The suit was tried by Honorable Justice Shogunle and final written address was adopted by the parties on 4th March, 2020. However, having written his judgment and signed it but before he could deliver it, he died from corona virus disease.

Answer the following questions 12-17

12. The following except one are characteristics of a valid judgment:

- a. It must be in writing
- b. It need not contain the reason for the decision
- c. Must be dated and signed by the judge who wrote it

d. Must be delivered in open court

13. Which of the following is true of the judgment of Justice Shogunle?

- a. It is no longer valid and the case must be tried de novo
- b. The judgment can only be pronounced, not delivered by another judge of NIC
- c. The judgment can be delivered by another judge of NIC
- d. The judgment can be pronounced only by the Chief Judge of the state

14. Assuming after the close of the case, Honorable Justice Shogunle concludes that there is no satisfactory evidence upon which to give judgment to any of the parties, especially the claimant, the most appropriate order/judgment to give is:

- a. Declaratory judgment
- b. Dismissal order
- c. Non-suit
- d. Consent judgment

15. Assuming both parties after the commencement of the case, resolved to settle the issue amicably, they will need to file and adopt before the court:

- a. The terms of consent judgment
- b. Brief of settlement
- c. Affidavit of settlement
- d. Terms of settlement

16. The type of judgment the Court will give from your answer in 15 is?

- a. Interlocutory judgment
- b. Consent judgment
- c. Declaratory judgment
- d. Summary judgment

17. Which of these is not a feature of the type of judgment you identified in 15 above?

- a. It is a final judgment
- b. It can be appealed as of right
- c. It can be appealed only with leave of the court
- d. It is binding on the parties

18. For the purpose of delivery of judgment, the Supreme Court is duly constituted if it consists of:

- a. At least 1 Justice
- b. At least 7 Justices
- c. At least 3 Justices
- d. At least 5 Justices

19. The type of judgment which cannot be stayed, which determines the rights of the parties without ordering anything to be done and is given on the strength of a party's case is:

- a. Declaratory judgment
- b. Executory judgment
- c. Non-suit
- d. Summary judgment

The High Court of Lagos State declined jurisdiction in a suit filed by Social Rights Initiative (N.G.O) and two other persons against the Attorney General of the Federation and the Central Bank of Nigeria challenging the Federal Government decision to grossly devalue the Naira.

20. The ruling in the above case is regarded as:

- a. Interlocutory application
- b. Interlocutory decision
- c. Final ruling
- d. Final decision

21. Assuming in the above, the court held that it has jurisdiction, it would be regarded as:

- a. Final ruling
- b. Interlocutory decision

- c. Final decision
- d. Interlocutory ruling

22. One of the following statements is true about the power of courts to deliver judgment and give reasons for doing so later

- a. A valid judgment must contain the reasons for the decision of the court
- b. Every superior courts of record has the power to deliver judgment and give reasons later
- c. Only courts of final appellate jurisdiction can deliver judgment and reserve the reasons to a future date
- d. The reasons given by the court helps in forming the bases of appeal

ANSWERS

WEEK 13

CLOSING ADDRESS AND JUDGMENT

1. (D) Under no circumstance will a final address constitute evidence before the Court. *Olaniyan v Adeniyi*.
2. (B) In a civil case, where the defendant calls evidence, he shall file his written first within 21 days of the close of the case. Order 33, Rule 14, Lagos.
3. (A)
4. (C) Order 35, Rule 3(3), Lagos Rules.
5. (D) The party that files the first written address is entitled to a right of reply only on point of law, and the reply shall be filed **within 7 days** after receipt of the other party's written address. Order 33, Rule 16, Lagos. Order 32, Rule 17, Abuja. In the scenario, Senator Kabiru, being the party that filed written address first, is entitled to a right of reply.
6. (C)
7. (A) Order 35, Rule 3(3), Lagos.
8. (A) Tendering of document is deemed as calling of evidence, thus, the defendant will still be the one to file written address first. *Automatic Telephone and Electric Co. Ltd v FMG if Nigeria*.
9. (D) The defendant will file written address first if he adduces evidence in the trial.
10. (B) Order 35, Rule 4, Lagos; Order 33, Rule 4, Abuja.
11. (C) The words used in the Constitution is "90 days". Sec. 294(1), CFRN.
12. (B) Every judgment must, among other requirements, contain the reason for the decision of the Court.

13. (C) See AGF v ANPP. The Court of Appeal in that case held that in the interest of justice, a judgment duly written and signed by a judge of the High Court can validly be delivered by another judge of the same High Court if the Judge who wrote it is unable to deliver it.
14. (C) Non-suit is the order given where a claimant has not proved his case successfully and the defendant is not entitled to judgment. Order 38, Lagos.
15. (D)
16. (B) Woluchem v Wokama.
17. (C) Consent judgment, though a final judgment, can only be appealed with the leave of the Court. Sec. 241(2)(c), CFRN.
18. (A) Sec. 294(4), CFRN. For the purpose of delivery of judgment, the Supreme Court or the Court of Appeal shall be duly constituted if at least one member of the Court sits for that purpose.
19. (A)
20. (D) The judgment of the Court on jurisdiction could be an interlocutory judgment **if the court holds that it has jurisdiction, but where it holds that it does not have jurisdiction, then it is a final judgment. Tunji Gomez v Cherubim & Seraphim Society.**
21. (B)
22. (C) This is especially the case in election petition matters, where either the Court of Appeal or the Supreme Court is the final appellate court depending on the case.

WEEK 14

ENFORCEMENT OF JUDGMENT AND INTERLOCUTORY APPLICATIONS PENDING APPEAL

In a suit for negligence brought by Dr. Lukeman against Chief Holloway, Justice Caleb Akanni of the High Court of the Federal Capital Territory entered judgment in the sum of ₦20,000,000 (Twenty Million Naira only) as general and special damages in favour of the claimant.

Answer the following questions 1-13 using the scenario above:

1. By the provision of the law, how many days must lapse after the delivery of the judgment before the claimant can commence the process of executing it?

- a. 3 days
- b. 5 days
- c. 7 days
- d. 14 days

2. Assuming the claimant wants to enforce the judgment by seizing and selling the defendant's two Toyota Camry cars, which of the following will be appropriate?

- a. Garnishee proceedings
- b. Writ of fieri facias
- c. Judgment summons
- d. Writ of sequestration

3. The form that will be filled by the claimant in achieving his goal in 2 above is?

- a. FORM 56 of the Schedule to the FCT High Court Rules
- b. FORM 3 of the first schedule to the SCPA

- c. FORM 3 of the schedule to the FCT High Court Rules
- d. FORM 56 of the first schedule to the SCPA

4. Assuming the claimant could not recover enough money to satisfy the judgment sum by using the mode in 2 above, which of the following further mode can he use to enforce the judgment?

- a. Writ of fifa
- b. Garnishee proceedings
- c. Application for attachment and sale of immovable properties
- d. B or C

5. If the claimant as the Judgment creditor wants to attach the immovable property of the Judgment debtor in satisfaction of the judgment sum, application for leave to do must be made to:

- a. The Magistrate Court
- b. Magistrate or High Court
- c. The High Court
- d. The Registrar of the High Court

6. Assuming the court grants the application and issues a writ of execution, the lifespan of the writ is:

- a. 6 months renewable for another period of 6 months twice
- b. 1 year
- c. 2 years
- d. 6 years

7. Assuming the court has issued a writ of execution on the immovable properties of the judgment debtor, the properties shall not be sold until after the expiration of:

- a. 5 days
- b. 7 days

- c. 14 days
- d. 15 days

8. The order of application of the proceeds of sale of the properties of the judgment debtor is:

- a. Pay the expenditure incurred in respect of sale, pay the judgment sum and pay the outstanding balance to the judgment debtor
- b. Pay the judgment sum, pay the expenditure incurred in respect of sale and pay the outstanding balance to the judgment debtor
- c. Pay the expenditure incurred in respect of the sale, pay the judgment sum and pay the outstanding balance to the Court
- d. Pay the judgment sum, pay the expenditure incurred in respect of the sale and pay the outstanding balance to the Court

9. If the defendant as the judgment debtor wants to prevent the immediate execution of the judgement, he shall:

- a. By motion on notice apply for stay of proceedings
- b. By motion ex parte apply for injunction pending appeal
- c. By motion on notice apply for stay of execution
- d. By motion on notice apply for injunction pending appeal

10. The application above shall be made to:

- a. The FCT Chief Judge
- b. The Court of Appeal
- c. The High Court of the FCT
- d. The President of the Court of Appeal

11. Assuming the defendant made the application to the High Court and it was refused, then he should:

- a. Make another application to a different judge of the same High Court
- b. Make a similar application to the Court of Appeal
- c. Appeal the refusal to the Court of Appeal
- d. Make a similar application to the President of the Court of Appeal

12. Within how many days must the action you identified in question 11 above be carried out?

- a. 15 days
- b. 14 days
- c. 3 months
- d. 90 days

13. The following documents will accompany your answer in 11 above except:

- a. A valid notice of appeal and Affidavit
- b. CTC of the judgment appealed against
- c. CTC of the Ruling of the trial court refusing to grant stay of execution
- d. None of the above

14. One of the following is not an example of interim applications pending appeal:

- a. Injunction pending appeal
- b. Garnishee proceedings
- c. Stay of proceedings
- d. Stay of execution

In a fatal accident claim at the High Court of the FCT, brought by Mr. Gbayi on behalf of the Adeniji family against Dr. Chris Ojukwu for causing the death of Mr. Adeniji by accident, judgment was given for the claimant as compensation for the loss to the tune of

₦100,000,000 (One Hundred Million Naira Only).

Answer the following questions 15-21

15. Where the judgment debtor is found to have some amount of money more than the total judgment sum with Zenith Bank PLC, Wuse Branch, the judgment Creditor will apply to court:

- a. To attach the sum credited to the judgment debtor under a third party proceeding
- b. To attach the money as mortgagee to the judgment debtor
- c. To attach the sum credited to the judgment debtor by garnishee proceeding
- d. To attach the sum credited to the judgment debtor by judgment summons

16. The application above will be commenced by

- a. Originating summons for interim order compelling the bank to give cause why the sum should not be attached
- b. Motion exparte for interim order compelling the bank to give cause why the sum should not be attached
- c. Motion on notice for interim order compelling the bank to give cause why the sum should not be attached
- d. Writ of summons for interim order compelling the bank to give cause why the sum should not be attached

From question 15 above, the bank as the 17___ has ___18 days to pay the sum claimed or show cause

17.

- a. Judgment debtor

- b. Garnishee
- c. Judgment guarantor
- d. Judgment creditor

18.

- a. 8 days
- b. 9 days
- c. 14 days
- d. 7 days

19. Assuming the defendant accepts liability but wishes to be given time to pay the money over a specific period of time, then he should:

- a. Apply for stay of execution by motion on notice
- b. Apply for stay of execution by motion exparte
- c. Apply for instalmental payment by motion on notice
- d. Apply for instalment payment by motion exparte

20. Assuming the money in the Zenith Bank PLC account is held by Dr. Chris Ojukwu in his official capacity as a public officer, before attachment can be made on it, the consent of _____ must be obtained

- a. President of Nigeria
- b. Minister of the Federal Capital Territory
- c. Chief Justice of Nigeria
- d. Attorney General of the Federation

21. Assuming the judgment is to be enforced in Lagos State, the judgment creditor will apply to Registrar of the Court that gave the judgment for:

- a. Certificate of judgment
- b. Register of judgment
- c. Affidavit of judgment
- d. Request for enforcement of judgment

22. The method of enforcement of judgment whereby the Court directs two or more commissioners to seize the immovable properties and act like receiver/manager on the property without title being passed on them, but for the purpose of offsetting the judgment sum is:

- a. Writ of possession
- b. Warrant of possession
- c. Writ of receivership
- d. Writ of sequestration

Koko Akpos as Landlord of a property situate at No. 4, Egbeyemi, Ilupeju, Lagos, brought a suit for recovery of premises against Audu Akpororo (his tenant) in the Lagos State High Court. Judgment was given in favour of Akpos but the Court did not give a specific day within which Akpororo must deliver up possession.

Answer the following questions

23. The judgment of the Court above cannot be enforced until after the expiration of:

- a. 3 days after the judgment
- b. 7 days after the judgment
- c. 14 days after the judgment
- d. 21 days after the judgment

24. The best method of enforcement of the judgment is by:

- a. Warrant of possession
- b. Writ of possession
- c. Writ of fieri facias
- d. Writ of delivery of possession

25. An application for the enforcement of a foreign judgment under the Foreign Judgement Reciprocal Enforcement Act should be made within:

- a. 3 years of the delivery of the judgment

- b. 6 years of the delivery of the judgment
- c. 6 months of the delivery of the judgment
- d. 3 months of the delivery of the judgment

26. Application to enforce the judgment of a foreign court under the Foreign Judgement Reciprocal Enforcement Act shall be commenced by?

- a. Writ of summons
- b. Originating summons
- c. Motion exparte
- d. Motion on notice

In a defamation suit brought by one of the Directors of Keystone Nigeria LTD against one of the shareholders of the company, Mr. Saani Shola at the Lagos State High Court, the defendant objected to the jurisdiction of the court to try the suit and contended that only the Federal High Court has jurisdiction in the case. The court overruled the objection to which Mr. Saani appealed the decision of the Court.

Answer the following questions

27. To ensure that the defamation suit in the Lagos State High Court does not continue until the determination of the appeal, the claimant should:

- a. Apply to the Lagos State High Court by motion on notice for stay of proceedings
- b. Apply to the Court of Appeal by motion on notice for stay of proceedings
- c. Apply to the Lagos State High Court by motion exparte for stay of proceedings
- d. Apply to the Court of Appeal by motion exparte for stay of proceedings

28. The time limit within which Mr. Saani should appeal the decision is:

- a. 3 months
- b. 15 days
- c. 14 days
- d. 90 days

29. Assuming the case between the parties was for a declaration of title and nothing more, and at the conclusion of trial, judgment was given to the claimant. If the defendant wishes to maintain the status quo pending the appeal, the appropriate application is:

- a. Stay of execution
- b. Injunction pending appeal
- c. Interlocutory application pending appeal
- d. Stay of proceedings

30. Assuming the application above was refused by the trial court, the defendant should:

- a. Make similar application to the Court of Appeal within 14 days
- b. Appeal the refusal to the Court of Appeal within 14 days
- c. Make similar application to the Court of Appeal within 15 days
- d. Appeal the refusal to the Court of Appeal within 15 days

ANSWERS

WEEK 14

ENFORCEMENT OF JUDGMENT AND INTERLOCUTORY APPLICATIONS PENDING APPEAL

1. (A) Order 4, Rule 1(2) of the Judgment Enforcement Rules (JER).
2. (B) Writ of fieri facias (fifa) is the appropriate mode of enforcement of judgment where the movable properties of the judgment debtor are targeted as means of settling the judgment sum.
3. (B)
4. (D) It is important to note that generally, the methods of enforcement of judgment are not mutually exclusive. Thus, in this particular case, the judgment creditor can embrace the option of garnishee proceedings or writ of execution to attach the immovable properties of the judgment debtor.
5. (C) Order 4, Rule 13, JER. Magistrates' court cannot issue writ of sequestration or writ of attachment on immovable property.
6. (B) Order 4, Rule 10, JER.
7. (D)
8. (A) Order 7, Rule 5, JER.
9. (C) Application for stay of execution is used mostly for money or executor judgment. Application for stay of execution is by motion on notice.
10. (C) Interim applications pending appeal are to be made first to the trial court, unless there are special circumstances warranting otherwise. If the trial court refuses, then similar application should be made to the Court of Appeal within 15 days of the refusal. Order 6 Rule 3&4, Court of Appeal Rules, 2016.
11. (B)
12. (A)
13. (D)
14. (B)
15. (C) Sec. 83, SCPA.
16. (B) See Sec. 83(1) of the Sheriff and Civil Process Act (SCPA).
17. (B) In garnishee proceedings, the bank is regarded as the garnishee. There are conflicting judicial authorities on whether the judgment debtor is a necessary party to a garnishee proceeding. The position of NLS is that the judgment debtor is not a necessary party.
18. (A) Order 8, Rule 5, JER.
19. (C) Order 39, Rule 4, Lagos and Abuja.
20. (D) Sec. 84, SCPA.
21. (A)
22. (D) Sec. 82, SCPA.
23. (C) Order 4, Rule 1, JER.
24. (A) For Landlord-Tenant relationship, it is called a warrant of possession. For other claims on land, the means of enforcement is writ of possession. Order 11, Rule 5, JER.
25. (B)
26. (D)
27. (A) Interim applications pending appeal should be made to the trial court first before the Court of Appeal. In the scenario, the application will be made to the Lagos State High Court.
28. (C) It is an interlocutory decision, which must be appealed within 14 days. Sec. 25(2)(a) Court of Appeal Act.
29. (B) Injunction pending appeal is the most appropriate interim application pending appeal for the unsuccessful party to an action for declaration of title to land.
30. (C)

WEEK 15

CIVIL APPEALS

The High Court of Lagos State upheld the Judgment of the Magistrate Court in a landlord-tenancy relationship between Chief Eshugbayi and Elemesho in favour of the defendant, Elemesho. The judgment of the High Court was delivered on the 1st of May, 2020. Feeling aggrieved, Chief Eshugbayi has instructed you as his counsel to appeal the decision to the Court of Appeal.

1. The appeal from the Magistrate Court must have been filed within how many days of the decision of the Magistrate Court?

- a. 1 month
- b. 30 days
- c. 2 months
- d. 3 months

2. Which of the following is true of the appeal to the Court of Appeal in this case?

- a. It must be with the leave of the Court of Appeal
- b. It must be with the leave of the High Court
- c. Appeal is of right and no leave is required
- d. None of the above

3. Assuming there is need to obtain the leave of court to appeal in this case, the application for leave is to be brought by:

- a. Motion ex parte
- b. Motion on Notice
- c. Notice of motion
- d. Originating application

4. The Notice of Appeal shall be in Form ____ of the 1st Schedule to the Court of Appeal Rules?

- a. Form 1
- b. Form 2
- c. Form 3
- d. Form 4

5. The Notice of Appeal shall carry the heading of ____ court and filed at ____

- a. Supreme Court and High court registry
- b. High court and Court of Appeal registry
- c. Court of Appeal and High court registry
- d. None of the above

6. The Notice of Appeal when filed will contain all but one of the following:

- a. Reliefs sought
- b. Particulars
- c. Grounds of Appeal
- d. Issues for determination

7. The record of appeal will be compiled and transmitted by the Registrar of the trial court to the appellate court within:

- a. 9 months after service of the Respondent's notice
- b. 42 days after 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

8. If the Registrar fails to compile the records of Appeal within the stipulated time frame, the Appellant should do so within how many days of the failure?

- a. 60 days
- b. 45 days
- c. 35 days
- d. 30 days

9. Assuming at the Court of Appeal, judgment was given yet again in favour of the defendant and Chief Eshugbayi wishes to appeal, within what time limit must be appeal to the Supreme Court?

- a. The decision of the Court of Appeal in this case is final and cannot be appealed
- b. Within 3 months of the delivery of Judgment
- c. Within 30 days of receiving a copy of the judgment
- d. Within 30 days of delivery of Judgment

10. In all but one of the following circumstances, leave of court is required to appeal

- a. Questions involving the interpretation and application of the constitution
- b. Appeals involving question of mixed law and facts
- c. Appeals against the decision of the High Court in its appellate jurisdiction
- d. Appeals against consent judgment

In a petition for divorce brought by Mr. Ajanlekoko against his wife, Mrs Ajenlekoko on the ground that the marriage has broken down irretrievably because the respondent committed adultery which the petitioner could not bear at all. The Court gave an order nisi on the 30th of November, 2019, which became absolute on the 28th of February, 2020. Thereafter, Mrs. Ajanlekoko seeks to appeal the order on certain grounds.

11. Only one of the following is correct about the proposed appeal of Mrs. Ajanlekoko:

- a. Notice of Appeal must be filed before the end of May, 2020

- b. Leave of court is required for the appeal to be competent
- c. Leave of court is not required for the appeal to be competent

- d. There is no right of appeal at all in this case

12. Leave of the Court is not required for appeal in all but one of the following instances

- a. Appeal against consent judgment
- b. Grounds of appeal involves questions of law alone
- c. Decision involving custody of a child
- d. Decision on the right to the dignity of the human person

Robert Jude commenced an action before the High Court of the Federal Capital Territory against Bisola Thomas for declaration of title to land situate at No. 1, Palmgrove street, Maitama, Abuja. The suit was dismissed on November 30, 2019. Robert Jude intends to appeal and has briefed you for the purpose.

13. When did the time to appeal expire?

- a. 31st December, 2020
- b. 31st March, 2020
- c. 28th February, 2020
- d. 31st January, 2020

14. In order to ensure that the property is not sold by Bisola Thomas pending the determination of the appeal, you will need to file application for:

- a. Stay of execution pending appeal at the High Court before the record of Appeal is transmitted to the Court of Appeal
- b. Stay of execution pending appeal at the Court of Appeal either before or after the record of appeal is transmitted to the Court of Appeal

- c. Injunction pending appeal at the Court of Appeal after the record of appeal is transmitted to the Court of Appeal
- d. Injunction pending appeal at the High Court after the record of appeal has been transmitted to the Court of Appeal.

15. Assuming the judgment was against the defendant, Bisola Thomas who was abroad at the relevant time and came back 4 months after the judgment was delivered, what option is available to him if she still desires to appeal?

- a. File a notice of appeal at the trial court
- b. File a motion on notice for leave to appeal at the Court of Appeal
- c. File a motion on notice for extension of time to appeal at the Court of Appeal
- d. File a motion ex parte for leave to appeal out of time at the trial court

16. While a final judgment on a civil action must be appealed against within____, an interlocutory application must be appealed against within_____

- a. 3 months and 14 days
- b. 90 days and 14 days
- c. 3 months and 15 days
- d. 90 days and 15 days

Jane and Jude Nigeria Ltd was sued by Oaklane Advisory Ltd for breach of contract at the High Court of Lagos State. The defendant raised a preliminary objection challenging the jurisdiction of the court to hear the matter contending that it is the Federal High Court that has jurisdiction. The objection was upheld by the Court. Jane and Jude Nig. Ltd has decided to appeal the decision.

17. The process(es) to be filed to commence the appeal is/are:

- a. Notice of Appeal
- b. Motion Ex parte for leave to appeal and Notice of Appeal
- c. Motion on Notice for leave and Notice of Appeal
- d. Motion Ex parte for extension of time and leave to appeal and Notice of Appeal

18. The process(es) will be filed at:

- a. The Registry of the High Court
- b. The Registry of the Court of Appeal
- c. The High Court or the Court of Appeal
- d. None of the above

19. Within how many days must the decision be appealed by the claimant?

- a. 90 days
- b. 3 months
- c. 14 days
- d. 15 days

20. The following are true of the Notice of Appeal and Brief of Argument to be filed except:

- a. The issues for determination must arise or distilled from the grounds of appeal
- b. The Appellant brief must be filled within 45 days from the date of filing the appeal
- c. Not more than one issue for determination can be raised from a ground of appeal
- d. All grounds of appeal including the omnibus ground must be supported with particulars

21. The Court of Appeal may make any of the following orders except:

- a. Uphold the appeal
- b. Dismiss the appeal
- c. Non suit the appeal
- d. None of the above

22. The following are contents of the Appellant's brief of argument except:

- a. Issues for determination
- b. Statement/summary of facts
- c. Legal arguments in support of issues
- d. Grounds of Appeal

23. The phrase "the judgement is against the weight of evidence" is only applicable:

- a. As a form of general traverse in a brief of argument
- b. As a form of general traverse in a statement of defence
- c. As a general traverse in a notice of appeal
- d. As a general ground of appeal in a notice of appeal

24. An appeal against the order of a trial court refusing joinder of a party in a suit must be filed within

- a. 14 days
- b. 30 days
- c. 3 months
- d. 21 days

Musa Sadau instituted an action for malicious prosecution against Sergeant Ogba at the High Court of Kano State. Judgment was delivered on the 3rd of January, 2020 against Sergeant Ogba who now seeks to appeal the judgment 4 months after. The grounds upon which he wants to appeal are on mixed law and fact. He has briefed you to handle it for him.

Answer the following questions:

25. The application you will file to be able to appeal will be filed at:

- a. The High Court of Kano State
- b. The Court of Appeal
- c. Either the High Court or the Court of Appeal
- d. Registry of the High Court

26. Which of the following represents the appropriate prayer you will ask in the application you have filed above?

- a. An order of extension of time to seek leave to appeal only
- b. An order granting leave to appeal only
- c. An order of extension of time granting leave to appeal and an order of extension of time within which to file Notice of Appeal
- d. An order of extension of time within which to seek leave to appeal, an order granting leave to appeal and an order of extension of time within which to file Notice of Appeal

27. Assuming at the appeal, the Respondent (Musa Sadau) wishes to contend that the decision of the Court below should be affirmed on grounds other than those relied upon by the trial court, he must file:

- a. Stay of proceedings.
- b. Stay of execution
- c. Respondent's notice
- d. A cross appeal

28. The document you have identified above must be served by the Respondent within how many days of receiving a copy of Notice of Appeal from the Appellant?

- a. 30 days
- b. 45 days
- c. 35 days
- d. 25 days

29. Assuming there were two defendants in the case at the trial court and Musa Sadau wishes to challenge the judgment also at appeal, especially as judgment was not given against the second defendant, he should:

- a. File a cross appeal
- b. File a Respondent's notice
- c. File an appellant's notice
- d. File a cause of action

30. An appeal is deemed entered in a case when:

- a. Notice of Appeal has been filed at the Registry of the trial Court
- b. Where leave to appeal out of time has been granted by the Court of Appeal
- c. Where Registrar of the trial Court has transmitted records of Appeal to the Appellate Court
- d. Where judgment has been given on the appeal by the Appellate Court

31. The time limit in which the Appellant is expected to file his brief of argument after receipt of the record of appeal is:

- a. 30 days
- b. 45 days
- c. 21 days
- d. 40 days

32. The Respondent is to file his own brief within how many days of service of the Appellant's brief on him?

- a. 15 days
- b. 7 days
- c. 21 days
- d. 30 days

33. If the Appellant wishes to reply to the Respondent's brief, he should file his reply brief within:

- a. 7 days
- b. 14 days
- c. 15 days
- d. 3 days

34. Under the Court of Appeal Fast Track Practice Direction, the Appellant is expected to file his appellant brief within how many days?

- a. 14 days
- b. 10 days
- c. 21 days
- d. 15 days

35. The Respondent is expected to file his own brief within how many days under the Practice Direction?

- a. 14 days
- b. 7 days
- c. 5 days
- d. 10 days

36. If the Appellant wishes to reply on point of law, he must file the reply brief within how many days under the Practice Direction?

- a. 2 days
- b. 3 days
- c. 4 days
- d. 5 days

In the suit brought by Babatunde Oyemo against your client, Dodo Osadunde at the FCT High Court for the liquidated sum of N400,000,000 representing his share of the profit from a joint venture allegedly entered by your client and Mr. Babatunde. Judgment was entered against your client both at the trial

Court and the Court of Appeal. You have decided to appeal to the apex court.

Answer the following questions 37-41

37. The time limit to appeal the decision of the Court of Appeal is?

- a. Within 30 days of delivery of Judgment
- b. Within 3 month of delivery of Judgment
- c. Within 1 month of delivery of Judgment
- d. Within 90 days of delivery of Judgment

38. Which of the following is no longer applicable at the Supreme Court?

- a. Respondent's notice
- b. Cross Appeal
- c. Brief of Argument
- d. None of the above

39. As the Appellant in the case, you must file your brief of argument within how many days of receipt of record of appeal from the Court of Appeal?

- a. 8 weeks
- b. 10 weeks
- c. 45 days
- d. 60 days

40. The Respondent must file his own brief of argument within how many days of service of the Appellant's brief?

- a. 35 days
- b. 6 weeks
- c. 8 weeks
- d. 45 days

41. And if the Appellant wishes to reply on point of law, he must do so within how many days?

- a. 3 weeks
- b. 15 days
- c. 20 days
- d. 4 weeks

ANSWERS

WEEK 15

CIVIL APPEALS

1. (B) Appeals of the decision of the Magistrates' Court to the High Court must be made within 30 days of the decision.
2. (B) Application for leave to appeal should always be made first to the lower Court unless the time for appeal has lapsed, in which case, application for extension of time and leave will be made to the Court of Appeal. Order 6, Rule 4, CAR.
3. (C) Order 6, Rule 1, Court of Appeal Rules (CAR).
4. (C)
5. (C) Since the appeal is to the Court of Appeal, the Notice of Appeal shall be headed at the Court of Appeal, but filed at the Registry of the High Court.
6. (D) Order, Rule 2, CAR.
7. (C) Order 8, Rule 1, CAR.
8. (D) Order 8, Rule 4, CAR.
9. (B) Civil appeal to the Supreme Court from the Court of Appeal must be within 3 months of the delivery of the judgment of the Court of Appeal. Sec. 27(2)(a), Supreme Court Act.
10. (A) Appeal on questions involving the interpretation and application of the Constitution is of right.

11. (D) There is no right of appeal from an order absolute for the dissolution in favour of a party who had time to appeal but failed to. Sec. 241. (2)(b), CFRN.
12. (A) Leave of Court is required to appeal a consent judgment. Sec. 241(2)(c), CFRN.
13. (C) 3 months from November, 30 ends Feb. 28 of the following year.
14. (C) The judgment is a declaratory judgment, thus stay of execution is out of it. Also, note that once the record of appeal has been transferred to the Court of Appeal; the High Court has no jurisdiction over anything in the case. All subsequent applications must be made to the Court of Appeal. Order 4, Rule 10, CAR.
15. (C) Application for extension of time to appeal should be made to the Court of Appeal, not the High Court. Sec. 25(4), Court of Appeal Act. Order 6, Rule 9, CAR.
16. (A) Sec. 25(2)(a)(b), Court of Appeal Act.
17. (A) The only process the company needs to file is the Notice of Appeal. The appeal, being on the subject of jurisdiction, is on point of law, thus, no leave is required.
18. (A)
19. (B) The decision of a court that it does not have jurisdiction is a final decision, and final decision must be appealed within 3 months of being delivered. Sec. 25(2)(b), Court of Appeal Act.
20. (D) The omnibus ground of appeal in civil case is not supported by particulars.
21. (C) The decision of the Court of Appeal is either to uphold the appeal or dismiss the appeal. Non-suit is not known to the Court of Appeal.
22. (D) Grounds of appeal is not part of the contents of a brief of argument.
23. (D)
24. (A) Application for joinder is an interlocutory application, and any appeal against an interlocutory decision of the High Court must be filed within 14 days of the decision.
25. (B) It will be filed at the Court of Appeal because the time within which to appeal has lapsed and he would need to seek extension of time, which only the Court of Appeal can grant. Sec. 25(4), Court of Appeal Act.
26. (D) The trinity prayer would be sought where there is need for leave to appeal and the time to appeal has elapsed.
27. (C) Order 9 of the Court of Appeal Rules.
28. (A) Order 9, Rule 4, CAR.
29. (A) Cross appeal is what is appropriate. This is used where a respondent is dissatisfied with the judgment and intends to attack the judgment on appeal, rather than play his traditional role of defending the judgment. But it is after the main appeal has already been filed by the appellant.
30. (C) Order 4, Rule 10, CAR.
31. (B) Order 19, Rule 2, CAR.
32. (D) Order 19, Rule 4, CAR.
33. (B)
34. (A)
35. (D)
36. (D)
37. (B) Section 27(2)(a), Supreme Court Act.
38. (A) Respondent's notice has been abolished in the Supreme Court.
39. (B)
40. (C)
41. (D)

WEEK 16

RECOVERY OF PREMISES

1. The case that emphasised the need for the written authority of the landlord before a solicitor can proceed to recover premises from a tenant is?

- a. Dada v Ogunremi
- b. Coker v Adetayo
- c. Oyekoya v G.B. Ollivant
- d. Ogundiana v Araba

2. The Tenancy Law of Lagos State applies to all but one of the following places:

- a. Shomolo
- b. Ikorodu
- c. Apapa
- d. Ikeja

3. Only one of the following is true about Quit Notice for Recovery of Premises in Lagos

- a. Quit Notice for a yearly tenancy must terminate on the eve of the anniversary of the tenancy
- b. Quit Notice for a yearly tenancy need not terminate on the eve of the anniversary of the tenancy
- c. Once a tenant is in arrears of rent for any period, he is no longer entitled to Quit Notice
- d. Quit Notice is only needed in a yearly tenancy

Miss Bolanle is a tenant in the property belonging to Mr. Peter Azi situate at No. 22, Gwarinpa Estate, Abuja. It is a yearly tenancy, which commenced 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 said premises. The annual rent is ₦7,000,000 (Seven Million Naira Only).

Answer the following questions 4-9

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

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

5. Upon service of the document you have identified above to determine Bolanle's tenancy, what other document are you required to serve on her?

- a. Notice to quit
- b. 7 days Owner's intention to apply to court to recover possession
- c. Writ of summons
- d. Pliant as in Form E

6. Assuming it has become necessary to go to Court, in which of the following courts will you institute the action?

- a. District Court
- b. Magistrate Court
- c. Customary Court, Abuja
- d. High Court of the Federal Capital Territory, Abuja

7. If the scenario were to be in Lagos, in which court would you have instituted the action?

- a. High Court of Lagos State
- b. Magistrate Court of Lagos State
- c. Customary Court of Lagos State
- d. Small Claims Court of Lagos State

8. Assuming the action is instituted in the High Court of the Federal Capital Territory,

by which form would you commence the action?

- a. Writ as in Form G
- b. Plaint as in Form F
- c. Originating Summons
- d. Originating Motion

9. If in the tenancy agreement between Miss Bolanle and Mr. Peter Azi, it is not clear as to the nature of tenancy, the type of tenancy can be deciphered:

- a. From the amount paid as rent
- b. From how and when rent is paid
- c. The length of years granted
- d. All of the above

High Priest Jakande, owner of a property situate at No. 20, Marina, Lagos Island, Lagos gave a term of years certain (10 years) to Olu Plumbers to be used for commercial purpose. The Tenancy agreement was made on 1st of June, 2010 and it was agreed that it would expire on the 31st of May, 2020.

10. In order to validly recover possession of the property from Olu Plumbers on the 31st of May, 2020, High Priest Jakande would be required to comply with one of the following:

- a. Serve a 6-months notice to quit to expire on 31st May, 2020
- b. Serve a 6-months notice to quit to expire on 1st June
- c. Serve a 7 days owner's intention to apply to court to recover possession
- d. A and C

11. Assuming Olu Plumbers is a licensee occupying the said property with the permission of High Priest Jakande, to recover possession, only one of the following is true:

- a. No notice is required to be served on Olu Plumbers in line with the rules governing licensees
- b. A 6-months notice to quit must be served on Olu Plumbers
- c. A 14-days notice of owner's intention to recover possession must be served on Olu Plumbers
- d. A 7-days notice of owner's intention must be served on Olu Plumbers

12. In all but one of the following circumstances, notice to quit need not be served to recover possession:

- a. In case of a yearly tenant, where the tenant has been in arrears of rent for more than 6 months
- b. Where tenancy is for a fixed period and it has been determined by effluxion of time
- c. In case of a monthly tenant, who is in arrears of rent for 6 months
- d. In case of a quarterly tenant who is in arrears of rent for at least 1 year

Chief Apagu Agu is the landlord of a shopping mall popularly known as "Buy one and get one free" situate at No. 1, Ajayi Wafer's Close, Kubwa, Abuja. Chief Ugoh Okaka rented a shop in the Mall under a yearly tenancy commencing on 1st January, 2018 with a clause in the tenancy agreement that "the tenant shall use the premises only for buying and selling". Since market was not moving as expected, Chief Ugoh has converted his shop to a religious worship centre. Chief Apagu intends to eject the tenant from the premises and has come to brief you for that purpose.

Answer the following questions

13. The first step you will take to recover the premises is:

- a. Serve Chief Ugoh Okaka a one year's Notice to Quit
- b. Obtain a written authority of Chief Apagu Agu
- c. Serve Chief Ugoh Okaka seven days' Notice of Owners Intention to recover premises
- d. Institute an action for recovery of premises

14. What is the length of notice required to eject the tenant from the premises?

- a. One year notice
- b. One month notice
- c. Three months notice
- d. Six months notice

15. The Notice to Quit to be issued in this case shall be in ____

- a. Form TL2
- b. Form TL3
- c. Form C
- d. Form B

16. If notice is issued on June 1st, 2020, when will the notice expire?

- a. 30th November, 2020
- b. 31st May, 2021
- c. 1st December, 2020
- d. 31st December, 2020

17. At the expiration of the notice to quit, you will be required to further issue notice of owner's intention to apply to court to recover possession

- a. 7 days
- b. 14 days
- c. 21 days
- d. One week

18. The Notice of owner's intention to apply to court to recover possession will be in _____

- a. Form D
- b. Form E
- c. Form TL4
- d. Form TL5

19. Where the Magistrate Court has given an order for possession to Chief Apagu Agu and Chief Ugoh Okaka is still in occupation, what should the landlord do in the circumstance?

- a. Throw the belongings of the tenant out of the premises
- b. Apply for warrant of possession
- c. Apply for writ of execution
- d. Apply for writ of possession

20. For a yearly tenant whose tenancy commenced on 1st October 2019 and is to be terminated in 2020, the notice to quit must be served on him latest on:

- a. 1st March, 2020
- b. 31st March, 2020
- c. 29th February, 2020
- d. 2nd April, 2020

Chief Dorcas Elumelu is the owner of a duplex at No. 2, Bode Thomas Street, Surulere Lagos which was let to Jumia Accessories Ltd under a yearly tenancy which commenced on the 1st of January, 2010 at the rate of ₦11 million per annum. The last rent paid by the company was in 2018. You have been briefed by Chief Dorcas Elumelu to recover the premises from the Company.

Answer the following questions

21. In order to validly determine the tenancy, a notice to quit served on the Company on the 31st August, 2019 must ask the Company to give up possession on or before _____

- a. 31st December, 2020
- b. 31st December, 2019
- c. 28th February, 2020

d. 31st July, 2020

22. The Notice to Quit will be in:

- a. Form TL2
- b. Form B
- c. Form TL3
- d. Form C

23. Assuming none of the principal members of the company could be found to effect service of the notice on, what step would you take?

- a. Apply to court by motion ex parte for substituted service
- b. Apply to court by motion on notice for substituted service
- c. Affix the notice on a conspicuous part of the premises
- d. Affix the notice on a conspicuous part of the premises and provide corroborative proof of service

24. Assuming the company doesn't want to give up possession and you now want to proceed to court, before which Court or Tribunal will you institute the action?

- a. Magistrate court
- b. Rent Control Tribunal
- c. Small Claims court
- d. Lagos State High Court

25. Assuming the company fails to enter appearance or file a defence, what would you apply for?

- a. Default judgment for default of appearance
- b. Default judgment for default of defence
- c. For the matter to be set down for trial
- d. None of the above

26. If judgment is entered in favour of your client in the case but the tribunal/court fails to specify the time within which the company must give up possession, you cannot enforce the judgment until the expiration of;

- a. 3 days after the judgment
- b. 7 days after the judgment
- c. 14 days after the judgment
- d. 21 days after the judgment

27. The appropriate mode of enforcement of the judgment above is?

- a. Writ of execution
- b. Writ of possession
- c. Writ of ownership
- d. Warrant of possession

28. The process for the enforcement you have identified above shall be in force for ____

- a. 6 months subject to renewal period of 3 months once
- b. 3 months subject to renewal 3 times
- c. 9 months not subject to renewal
- d. 12 months

29. If it were to be in Abuja, the process for enforcement shall be in force for ____

- a. 3 months not subject to renewal
- b. 3 months subject to renewal period of 3 months twice
- c. 6 months subject to renewal period of 3 months once
- d. 9 months not subject to renewal

30. The following except one are contents of a Notice to Quit:

- a. Name of the authorised agent or solicitor
- b. Brief description of the property
- c. The date that the tenant should quit and deliver up possession

- d. The fact that failure to deliver up possession will warrant an action in court

ANSWERS

WEEK 16

RECOVERY OF PREMISES

1. (B)
2. (C) The Tenancy Law of Lagos State does not apply to the following area: Apapa, Ikeja GRA, Ikoyi and Victoria Island. Sec. 1, Tenancy Law (TL).
3. (B) The other options are incorrect. One key difference between Notice to Quit in Lagos State and in Abuja is that in Lagos State, it need not terminate on the last day of the tenancy; whereas, in Abuja, the notice to quit must terminate on the last day of the tenancy. But in both cases, it must not be less than the stipulate statutory period. For example, if there is a yearly tenancy agreement commencing on the 1st of January, the eve of the tenancy is the 31st of December every year it is to be renewed. *Eve of anniversary is the last day of the tenancy.* Any notice to quit in Abuja issued to the tenant must terminate on the 31st of December and not any other day. However, in Lagos, it may terminate on the 31st of December, or on a later date, provided that in both,(Abuja and Lagos) the statutory length of notice has been given.
4. (A) Sec 8 and 9 of the Recovery of Premises Act, applicable in Abuja.
5. (B)
6. (D) The annual rental value- ₦7,000,000-exceeds the monetary jurisdiction of the District Court, thus the High Court is the answer.
7. (B) This is because the annual rental value of the property-₦7,000,000-is within the monetary jurisdiction of the Magistrates' Court in Lagos State, which is ₦10,000,000.
8. (A) Action in the High Court will be commenced by Writ, and it is in Form G of the RPA.
9. (B) Sec. 8(3), RPA.
10. (C) This is because the tenancy is for a fixed period, and it expired on the 31st of May, 2020 by effluxion of time. In such instance, there is no need for quit notice, all that is needed is 7 days Notice of Owner's Intention to apply to Court to recover possession. Sec. 13(5), TL.
11. (D) Sec. 14, TL.
12. (A) Sec. 13(2)(3), TL.
13. (B) A written authority of the landlord to the agent to act is the first step in recovery of possession. The solicitor (agent) usually drafts this in practice for the landlord to sign. See *Coker v Adetayo*.
14. (D) Sec. 13(1), TL.
15. (C) Note that in Abuja Form B is used when the Landlord is the one issuing the Quit Notice, while Form C is used when the agent (solicitor) is the one issuing it.
16. (D) It will start counting from July 1 and must end on the eve of anniversary of the tenancy, which is 31st December, the last day of the tenancy.
17. (A)
18. (B)
19. (B)
20. (B) 6 clear months' notice (must include first and last days of the

months) is required, which will start counting from the 1st of April and must end on the anniversary of the tenancy-30th September, 2020. Thus, it must be issued latest 31st March.

21. (C) In Lagos State, by section 13(5) of the Tenancy Law, notice to quit can either expire on the eve of the anniversary of the tenancy or after. So, from the scenario, the 6 months notice required will be calculated from when it was given (31st August, 2020); thus it will expire on the 28th of Feb.
22. (C)
23. (D) Sec. 18(d), TL.
24. (D) The annual rental value- ₦11,000,000-exceeds the monetary jurisdiction of the Magistrates' Court.
25. (C)
26. (C)
27. (D)
28. (B) Sec. 41, TL.
29. (A) Sec. 23, RPA.
30. (D) The 'threat' of a court action is not part of the contents of a notice to quit.

Indaboski Bahosa contested the recently held election to the Delta West Senatorial District under the platform of Nigerians Progression Party and lost. The election was characterised by intimidation of voters, snatching of ballot boxes and widespread electoral malpractices. He is aggrieved by the outcome of the election and has retained you to challenge the result of the election.

Answer the following questions 1-9

1. Before which of the under listed Electoral tribunals would you file the petition?

- a. National Assembly Election Tribunal
- b. Legislative Houses Election Tribunal
- c. National and States Houses of Assembly Election Tribunal
- d. Government and National Assembly Election Tribunal

2. The appropriate composition of the Tribunal you have identified above is:

- a. The President and two other members
- b. The Chairman and two other members
- c. The Chairman and one member
- d. The President and one member

3. The period of time within which you are to file the petition is:

- a. Within 14 days from the day of declaration of result
- b. Within 7 days after the day of declaration of result
- c. Within 21 days from the day of declaration of result
- d. Within 21 days after the day of declaration of result

4. The judgment of the Tribunal must be delivered within what time frame?

- a. 180 days of declaration of election result

WEEK 17

ELECTION PETITION

- b. 90 days of declaration of election result
- c. 120 days of filing election petition
- d. 180 days of filing election petition

5. Assuming judgment was given against the petitioner by the Tribunal/Court and he wants to appeal, the notice of appeal must be filed within how many days of the decision?

- a. 21 days
- b. 14 days
- c. 7 days
- d. 10 days

6. The final court vested with jurisdiction in the matter above is

- a. The Court of Appeal
- b. The Supreme Court
- c. The Federal High Court
- d. National and States Houses of Assembly Election Tribunal

7. Assuming it was the governorship election of Delta State that Mr. Indaboski Bahosa contested, but lost and seeks to challenge the election on certain grounds, which of the following is the appropriate Court/Tribunal where you would file the petition?

- a. Court of Appeal
- b. Governorship and Legislative Houses Election Tribunal
- c. Governorship Election Tribunal
- d. Governorship and National Assembly Election Tribunal

8. Assuming the Tribunal/Court you have identified in 7 above delivered judgment against Mr. Indaboski Bahosa and he desires to appeal, which court will he Appeal to?

- a. Appellate Body of the Governorship and National Assembly Election Tribunal
- b. Appellate Body of the Governorship Election Tribunal
- c. The Supreme Court
- d. The Court of Appeal

9. Within how many days must the appeal be heard and disposed of?

- a. Within 90 days of filing notice of Appeal
- b. Within 60 days of the delivery of judgment of the trial court/Tribunal
- c. Within 90 days of the delivery of judgment of the trial court/Tribunal
- d. Within 60 days of filing notice of appeal

Following the recent presidential election that was conducted in the Federal Republic of Nigeria, the candidate of the Youth must lead political party, Obafemi Thanni was declared winner of the election, while the candidate of Creative Nigerian Youth, Asundemade Habeeb, was declared the first runner up. Asundemade Habeeb has decided to contest the election result claiming that the President was invalidly elected as did not meet the age requirement of the Constitution; hence, he should be declared winner instead.

Answer the following questions 10-13

10. The age qualification for a candidate to the office of the President is

- a. 45 years
- b. 40 years
- c. 35 years
- d. 30 years

11. Which court has jurisdiction over Asundemade Habeeb's claim?

- a. The Presidential Election Tribunal
- b. The Supreme Court
- c. The Court of Appeal
- d. The Federal High Court

12. The constitution of the Court you have identified above is:

- a. At least three Judges
- b. At least five Justices
- c. At least seven Justices
- d. At least three Justices

13. The decision of the Court you have identified above is:

- a. Final and not subject to appeal
- b. Appealable as of right to the Supreme Court
- c. Appealable with leave to the Supreme Court
- d. Appealable as of right to the Court of Appeal

14. The following are grounds for disqualification of a person from contesting in an election for the office of the President except:

- a. An undischarged bankrupt
- b. Presentation of a forged certificate
- c. Citizenship by naturalization
- d. None of the above

15. Which of the under listed is not a ground for election petition

- a. The person whose election is in question was not qualified to contest
- b. The petitioner was validly nominated but later substituted by his party
- c. The election was invalid by reason of corrupt practices
- d. The Respondent was not duly elected by the majority of lawful votes cast at the election

16. Chairmen of Election tribunals are appointed by

- a. CJN in consultation with Heads of Court of state
- b. President of COA in consultation with Heads of Court of state
- c. Chief Judge of a State
- d. None of the above

17. The Court vested with jurisdiction in pre-election matters is

- a. Any State High Court
- b. The Court of Appeal
- c. The Federal High Court
- d. A or C

During your externship in the law firm of Oladipo Olasope and Co. Honorable Abiola Ajimobi instructed your principal Oladipo Olasope SAN to file an election petition on his behalf. Honorable Ajimobi contested the recent Senatorial Election held in Oyo State in 2019 under the platform of the Action Progressive Congress against Kola Balogun of the People's Democratic Party. The results were declared on March 9, 2019.

Answer the following questions

18. Your principal must have filed the petition on or before

- a. March 29, 2019
- b. March 22, 2019
- c. March 30, 2019
- d. March 31, 2019

19. The documents that would accompany the petition filed are:

- a. List of witnesses, written statement on oath of witnesses, copies or list of documents to be relied on

- b. Pre action counselling certificate, list of witnesses and written statements on oath of witnesses
- c. Pre action protocol form 01, list of witnesses, written statement on oath of witnesses, documents to be relied on
- d. None of the above

20. You observed that your principal did not advice Honorable Ajimibi on the option of ADR contrary to Rule 15 (3)(d) of RPC. When you asked him, he said he's right not to have because:

- a. Election petition is sui generis
- b. Election petition is a non arbitrable matter
- c. Election petition is usually controversial
- d. None of the above

21. One of the following best describes the period the Respondent must enter appearance to the petition:

- a. Within 14 days from the date the petition was served
- b. Within 21 days from the date the petition was served
- c. Not less than 5 days but not more than 7 days from the date the petition was served
- d. Within 7 days from the date the petition was served

22. If the Respondent wishes to reply to the petition, he must file his reply within how many days of being served the petition?

- a. 14 days
- b. 21 days
- c. 7 days
- d. 10 days

23. Assuming during the hearing of the petition, the petitioner wishes to amend his

petition to include new prayers, which of the following is correct

- a. Amendment must be with leave of the Court/Tribunal
- b. The leave of the Court/Tribunal must be sought by motion on notice
- c. A and B
- d. The amendment sought is not permitted at this stage

24. During the hearing, the Respondent presented multiple documents before the Court as evidence of his claim that the election was characterised by corrupt practices. At the conclusion of the trial, who should file final written address first and within how many days of the close of evidence?

- a. The petitioner, 14 days
- b. The Respondent, 14 days
- c. The petitioner, 10 days
- d. The Respondent, 10 days

25. The other party shall file his own final written address within how many days of being served with the first party's written address?

- a. 14 days
- b. 10 days
- c. 7 days
- d. 5 days

26. At the conclusion of this case, the Tribunal/Court can validly give any of the following judgment except one:

- a. Nullifying the election of Kola Balogun and ordering conduct of another election.
- b. Upholding the election of Kola Balogun and dismissing the petition
- c. Nullifying the election of Kola Balogun and ordering Honorable

Abiola Ajimobi be sworn in as Governor.

- d. Upholding the election and ordering compensation to be Honorable Abiola Ajimobi for losing the election

Chief Agbasi Obi was the Governorship candidate of Winners Party, Honorable Ajisafe was the candidate of Forward Ever Political Party whilst Mr. Mike Chukwu was the candidate of the Action Party of the just concluded general elections into Palmgrove State, which took place on 26th April, 2019. On the day of the election, the name of Honorable Ajisafe was wrongly omitted from the Ballot paper. By the result declared by the Resident Electoral Commission for the state, Mr. Mike Chukwu won, having polled 260,000 votes whilst Chief Agbasi came second having polled 180,000 votes and no votes were recorded for Honorable Ajisafe. Honorable Ajisafe is not satisfied with the outcome of the election but couldn't challenge it as he was battling cancer on the sick bed at the Mutoka Specialist Hospital. 30 days after the declaration of the result, he was discharged and now intends to file a petition.

27. Which of the following is true of the proposed petition to be filed?

- a. He can't file any petition challenging the election as the action is already statute barred
- b. He must apply to the appropriate Court/Tribunal by motion on notice to seek leave to petition out of time
- c. He must apply to the appropriate Court/Tribunal by motion on notice for leave to file petition out of time
- d. He must apply to the appropriate Court/Tribunal by petition for leave to file petition out of time

28. All things being equal, the most probable ground on which Honorable Ajisafe can validly challenge the election is:

- a. That the Respondent, Mike Chukwu was at the time of the election not qualified to contest
- b. That the petitioner was validly nominated but was unlawfully excluded from the election
- c. The Respondent was not duly elected by the majority of lawful votes cast at the election
- d. The petitioner was validly nominated but later substituted by his Political Party

29. Which of the following is not a prayer that can be asked by the petitioner in this case?

- a. That the election be declared nullified and a consequential fresh election be conducted
- b. That the petitioner be declared winner of the election having been unlawfully excluded from it
- c. That the petitioner be declared winner for failure of the respondent to pull the highest number of lawful votes cast at the election
- d. B and C

30. Assuming the petition was filed on the 30th April, 2019, judgment of the Court/Tribunal in the case must be delivered latest on:

- a. 27th October, 2019
- b. 29th October, 2019
- c. 29th July, 2019
- d. 30th July, 2019

WEEK 17

ELECTION PETITION

- 1. (C) Sec. 285(1), CFRN as amended.

2. (B) The National and States Houses of Assembly Election Tribunal is composed of the Chairman and two other members. Sixth Schedule to the CFRN.
3. (D) Election petition must be filed not later than 21 days after the date of the declaration of the election result. Sec. 285(5), CFRN.
4. (D) An election tribunal shall deliver its judgment in writing within 180 days from the date of filing the petition. Sec. 285(6), CFRN.
5. (A) Notice of appeal of the decision of an election tribunal must be filed within 21 days after the decision. Sec. 143 of the Electoral Act, 2010.
6. (A) The decision of the Court of Appeal from an appeal arising from the decision of the National and States Houses Election Tribunal is final and not subject to appeal to the Supreme Court. Sec. 246(1)(b), CFRN.
7. (C) Governorship election should be challenged at the Governorship election tribunals established in each State. Sec. 285(2), CFRN.
8. (D) Appeal from the governorship election tribunal goes to the Court of Appeal. Sec. 246(1)(b), CFRN.
9. (B) Appeal from the decision of an election tribunal shall be heard and disposed of within 60 days from the date of delivery of the judgment of the tribunal. (Take note that it is not 60 days from the day of filing notice of appeal). Sec. 285(7), CFRN.
10. (C) The age qualification for the office of the President is now 35 years by the Not Too Young to Run Act. Sec. 131(b), CFRN as amended.
11. (C) The Court of Appeal has original jurisdiction to determine whether any person has been validly elected to the office of the President or the Vice-President. Sec. 239, CFRN.
12. (D) The constitution of the Court of Appeal for the purpose of exercising any jurisdiction conferred on it is 'not less than 3 Justices'. Sec. 237, CFRN. We have **Judges** of the High Court and **Justices** of the Court of Appeal and Supreme Court.
13. (B) Sec. 233(2)(e)(ii), CFRN.
14. (D) A candidate for presidential election must be a citizen of Nigeria by birth.
15. (B) See Sec. 138 of the Electoral Act for the grounds of election petition. The relevant fact is unlawful exclusion from the election, not internal substitution of candidate by the political party before the election.
16. (B) Chairmen of election tribunals are appointed by the President of the Court of Appeal in consultation with the Heads of Courts of state. Sixth Schedule to the CFRN.
17. (C) The Federal High Court is vested with jurisdiction over all pre-election matters.
18. (C) The day of the declaration of the election is excluded when counting the 21 days requirement within which to file an election petition. So, from the scenario, we will start counting from March 10.
19. (A) Paragraph 4(5) of the First Schedule to the Electoral Act.
20. (B) Election petition is a non-arbitrable matter. It cannot be resolved by arbitration.
21. (C)
22. (A) Para. 4(12), First Schedule to the Electoral Act.
23. (D) Amendments of election petition to include new prayers are not

permitted during hearing of the petition. Para. 14(2), Electoral Act.

24. (D) The rule is that if the Respondent calls evidence, he shall file his final written address first within a period of 10 days after close of evidence. Para. 46(10-13), First Schedule, Electoral Act.
25. (C)
26. (D) An election tribunal does not have the power to award compensation to be paid to the losing party.
27. (A) The 21 days requirement of filing election petition is strict. Once it is gone, that is the end. No extension of time will be granted. *Moghalu v Ngige*.
28. (B)
29. (B) For anyone to be declared winner of an election, the person must have participated in all the stages of the election. A person who did not participate in all these stages cannot be declared the winner of an election.
30. (A) 180 days will start counting from 1st of May. The day the petition was filed will be excluded.

Otunba J. F. Banjo and Miss Wuraola Jakande met at their orientation camp of the National Youth Service Corp, Ibadan, Oyo State and since then, had been cohabiting together in Ibadan for more than 10 years, until 2015 when Otunba J. F. Banjo decided to marry one Sisi Alawiye, which marriage was done at the Marriage Registry, Ibadan.

Answer the following questions 1-4 using the above scenario

1. Only one of the following is true of the marriage between Otunba J. F. Banjo and Sisi Alawiye

- The marriage is invalid because of the existing cohabitation between Otunba J. F. Banjo and Miss Wuraola Jakande
- The marriage is void as it was not celebrated in a licensed place of worship
- The marriage is voidable at the option Miss Wuraola
- The marriage is valid

2. Assuming the marriage between Otunba J. F. Banjo and Sisi Alawiye was celebrated in a licensed place of worship and all other formalities were complied with. But two months after the wedding, Otunba J. F. Banjo, who didn't have sexual intercourse with Sisi Alawiye prior to their wedding discovered Sisi Alawiye was already 4 months pregnant, and when probed, confessed that it was for her ex-boyfriend, Fiwajomi.

The marriage between the parties from this fact is best described as?

- Illegal marriage
- Voidable marriage
- Void marriage
- Special status marriage

WEEK 18

MATRIMONIAL PROCEEDINGS

3. If Otunba J. F. Banjo intends to file a petition against Sisi Alawiye, the most probable matrimonial relief he will be seeking is:

- a. Dissolution of marriage
- b. Nullity of a void marriage
- c. Declaration of the marriage to be illegal
- d. Nullity of a voidable marriage

4. The documents that ought to accompany his petition are:

- a. Notice of Petition, Marriage Certificate, Answer and verifying Affidavit.
- b. Notice of Petition, Registrar's Certificate, Answer and verifying Affidavit.
- c. Acknowledgement Notice, Marriage Certificate, Verifying Affidavit and Notice of Petition.
- d. Certificate relating to Reconciliation, Marriage certificate, Notice of Petition and Verifying Affidavit.

Ishawuru got married to Eyiunmi under Yoruba Native Law and Custom in 2010. In order to feel among and to prove his capacity as a man amongst his friends, he later married Odunyemi at the Osogbo Marriage Registry in December 2018. Since June 2019, Odunyemi has refused to have sexual relationship with Ishawuru without giving any reason. Baba Ishawuru is frustrated with everything and intends to go to Court.

Using this scenario, answer questions 5 and 6

5. The most appropriate relief in this case is:

- a. Nullity of void marriage
- b. Restoration of conjugal rights
- c. Dissolution of marriage for intolerant behaviour

d. Judicial Separation

6. If Baba Ishawuru petitions for nullity of void marriage, he must file all but one of the following documents:

- a. Motion ex-parte for leave to bring the petition
- b. Notice of petition
- c. Verifying affidavit
- d. None of the above

7. None but one of the following is not a ground for petitioning for nullity of a void marriage:

- a. Existing lawful marriage
- b. Incapacity to consummate the marriage
- c. Lack of consent
- d. None of the above

Harcourt Benson got married to Rose Benson on the 4th of October, 2018 at the Marriage Registry, Yenegoa. Rose has consistently declined to have sexual intercourse with her husband until he is able to conduct a Church Marriage with her because of the vow she took in her church not to sleep with any man unless he wedded her in the Church.

Answer the following questions

8. If Harcourt brings a petition, he would most likely be praying the Court for:

- a. Nullity of marriage
- b. Cancellation of marriage
- c. Jactitation of marriage
- d. Dissolution of marriage

9. The first most appropriate step Harcourt should take is:

- a. File a petition for divorce
- b. Seek reconciliation
- c. Apply for leave to file a petition

- d. File acknowledgement of notice of petition

10. For the Court to be willing to grant the relief sought by Harcourt in the step above, it will need to be satisfied that:

- a. Rose has not committed adultery
- b. There is no consanguinity
- c. There would be exceptional hardship and depravity
- d. There is no affinity

11. Assuming the petition was brought on facts of adultery, Mr. Harcourt must show:

- a. That he has not himself committed adultery
- b. That he has not condoned the adultery and finds it intolerable to live with
- c. That compulsory conference was held
- d. All of the above

12. Mr. Harcourt will be required to file discretionary statement in none but one of the following situations:

- a. Where he is guilty of desertion
- b. Where he is guilty of intolerable behaviour
- c. Where he is guilty of adultery
- d. All of the above

13. The standard of proof of adultery in a matrimonial proceeding is:

- a. Proof on the balance of probability
- b. Proof on the preponderance of evidence
- c. Proof beyond reasonable doubt
- d. Proof to the satisfaction of the Court

14. Assuming Harcourt cannot find the original of the marriage certificate issued to

them at the Marriage Registry, he can prove the marriage by _____

- a. By tendering photographs taken during the celebration of the marriage
- b. By oral testimony of the persons present during the ceremony
- c. By tendering a copy of the order of programme printed during the reception
- d. By tendering a CTC of a copy of the marriage Certificate obtained from the Marriage Registrar

15. The sole ground for dissolution of marriage under the matrimonial causes Act is:

- a. Adultery
- b. Living apart for two years and respondent does not object
- c. That the marriage has broken down irretrievably.
- d. All of the above

16. Which of the following documents will not be necessary to accompany a petition for nullity of a void marriage?

- a. Certificate of reconciliation
- b. Notice of petition
- c. Acknowledgment of service
- d. None of the above

Lola Ude fell in love with Matthew during their resit programme at the Nigerian law school. Their love blossomed quickly and they decided to get married. The notice of marriage was published both at the marriage registry and announced in the church. The parties could not wait to be together, so 14 days after the publication of the notice of marriage, they were wedded at the City Hall by their Pastor, Rev. Canon Didi Briggs. The marriage had to be celebrated at the City Hall because of the large crowd that attended the ceremony as the

church building was small. About 3 months later, it was discovered that Lola was 5 months pregnant. Matthew never had sex with Lola before their marriage as it was against his church's doctrine. The pregnancy belonged to Fineboy, Lola's ex-boyfriend.

Answer the following questions 17-20

17. Which of this is true about the marriage above?

- a. It is void due to the adultery by Lola
- b. It is void because of the time between the publication of the notice of the marriage and the time of celebration of the marriage
- c. It is void because the notice of marriage was publish at two places the same time
- d. It is void because Lola was pregnant for another man at the time of the marriage

18. Which of the following documents did the parties fail to obtain from the Registrar of marriages before the celebration of the marriage?

- a. The Registrar's certificate
- b. The marriage certificate
- c. Certificate of notice to marry
- d. Notice of caveat filed by Lola's ex-boyfriend

19. Which of these persons can petition for dissolution of the marriage as being voidable?

- a. Lola's ex-boyfriend
- b. Matthew
- c. Lola Ude
- d. None of the above

20. What is your opinion about the celebration of the marriage at the City Hall?

- a. Appropriate since it was celebrated by a Pastor
- b. Inappropriate as it was not celebrated by the Registrar of marriages
- c. Inappropriate because City Hall is not a licensed place of worship
- d. None of the above

Gbedu and Gbemi got married under the Act on the 1st of February, 2019. Unknown to Gbemi, Gbedu is a habitual 'drunkard' who prides himself in drinking only on two occasions: when it's his birthday and when it's not. This has continued for several months and each time, he comes back home drunk with little or no regard for Gbemi. Gbemi is now fed up and can't think of coping any longer. She wishes the marriage to be dissolved and has met you for that purpose.

21. The first step you will take in carrying out the instruction is:

- a. File a discretionary statement
- b. File a motion exparte with affidavit for leave to bring the petition
- c. File the petition
- d. File a motion on notice for leave to bring the petition

22. Assuming both parties in this case do not want their marriage to be dissolved, but do not wish to live together under the same roof, the most appropriate matrimonial relief to seek is:

- a. Dissolution of marriage
- b. Jactitation of marriage
- c. Decree nisi
- d. Judicial separation

ANSWERS

WEEK 18

MATRIMONIAL PROCEEDINGS

1. (D) *In MCQs, you are to choose the most suitable option.* From the question, (D) is the best in the list of options. The mere fact of cohabitation with Miss Wuraola for 10 years does not prevent Otunba Banjo from marrying someone else lawfully under the Act.
2. (B) One of the grounds for a voidable marriage under Sec. 5 of the Matrimonial Causes Act, (MCA) is the pregnancy of the wife by a person other than the husband.
3. (D)
4. (C)
5. (A) The marriage is void because at the time of celebration, Ishawuru was already lawfully married to Eyiwinmi, under native law and custom, which is recognised as a valid form of marriage.
6. (A) No leave is needed to bring a petition for nullity of a void marriage.
7. (B) Incapacity to consummate a marriage is a ground for voidable marriage, not a void marriage.
8. (D) He will be petitioning for the dissolution of marriage.
9. (A) Generally, where a marriage is not up to two years, divorce proceedings cannot be instituted without the leave of the Court. But this rule does not apply in a case of willful and persistent refusal to consummate the marriage. Sec. 30(1)(2), MCA.
10. (C)
11. (B)
12. (C) Where the petitioner in a divorce proceeding has committed adultery; he must file a discretion statement alongside the petition.
13. (D) The standard of proof of adultery is proof to the satisfaction of the court. Sec. 82, MCA.
14. (D) Sec. 86, MCA.
15. (C) The sole ground for dissolution of marriage under the MCA is that the marriage has broken down irretrievably. Sec. 15(1), MCA.
16. (A) Because there has never been a marriage, so there is nothing to reconcile.
17. (B) By Sec. 8-9 of the Marriage Act, Notice of marriage is expected to last for a period of 3 months, failure of which the marriage will be void, for having not complied with the formal requirements of a valid marriage.
18. (A) Sec. 11 of the Marriage Act.
19. (B) Only Matthew can petition for nullity of a voidable marriage. Note that as opposed to a void marriage, in a voidable marriage, only the parties to the marriage can petition for a decree of nullity. The petition can only be brought by the party who is not suffering from the act that makes the marriage voidable.
20. (C) Sec. 6 of the Marriage Act.
21. (B) The marriage in question is within the two year rule, thus none of the exception is applicable. Sec. 30, MCA.
22. (D)

WEEK 19

FUNDAMENTAL RIGHTS ENFORCEMENT

1. The fundamental Rights Enforcement Procedures Rules were made by:

- a. The Chief Justice of Nigeria
- b. The National Assembly
- c. The President of Nigeria
- d. The Attorney General of the Federation

2. The Fundamental Rights Enforcement Procedures Rules 2009 is applicable to claims arising from:

- a. Chapter four of the Constitution only
- b. Chapter four of the Constitution, African Charter on Human and Peoples Rights and Universal Declaration on Human Rights
- c. Chapter four of the Constitution and the African Charter on Human and Peoples Rights
- d. African Charter on Human and Peoples Rights only

Dare Dude while traveling from Ibadan to Lagos in a commercial car was stopped by the Special Anti Robbery Squad and alleged to be a fraudster as he was operating on his PC at the relevant time. His attempt to explain that he was just replying to Emails was met with a resounding round of slaps. He was taken to custody and has been in detention for more than 10 days without any access to his family members. His sister later discovered that he was arrested and has met you to bring an application for the enforcement of his fundamental rights.

Answer the following questions

3. The appropriate court with jurisdiction here is

- a. National Industrial Court
- b. Oyo State High Court
- c. Federal High Court
- d. B or C

4. The action can be commenced through?

- a. Writ of summons
- b. Petition
- c. Originating summons
- d. Any of the above

5. The following except one are documents to accompany the originating process

- a. Statement of facts
- b. Affidavits
- c. Acknowledgement of petition
- d. Written address

6. Chief Jagogo brought an application to enforce his fundamental rights in June, 2020 for an alleged breach which occurred in 2018. Within what time frame after the alleged breach should Chief Jagogo have commenced the action?

- a. 6 months
- b. No time frame
- c. 3 months
- d. 1 year

Mr. Kola Ken was arrested and detained by men of the EFCC on 28th June, 2018 on alleged offence of money laundering. All efforts to secure his release by his wife proved abortive. The wife Mrs. Kola has instructed you to file the necessary processes before the appropriate court to challenge the action of the Commission.

Answer questions 7-10

7. The best court to institute the proposed action above is?

- a. Magistrate Court
- b. State High Court
- c. National Industrial Court
- d. Federal High Court

8. The most appropriate mode to adopt in commencing the action is:

- a. Originating summons
- b. Writ of summons
- c. Petition
- d. Originating motion

9. The documents that will accompany the processes above include the following except

- a. Copies of the documents to be relied on
- b. Statement setting out the name and address of the applicant, the reliefs sought and the grounds for the reliefs
- c. Affidavit deposed to by the applicant himself
- d. A written address

10. Assuming the EFCC intends to challenge the action filed by you above, within what time and what document will it file to do so?

- a. Within 7 days by filing affidavit and preliminary objection
- b. Within 5 days by filing a counter affidavit and a written address
- c. Within 42 days by filing memorandum of appearance and statement of defence
- d. Within 8 days by filing a conditional appearance

11. Which of the following is correct about the date for hearing of the petition?

- a. It has to be fixed within 14 days of filing the application
- b. It has to be fixed within 7 days of filing the application by the applicant

- c. It has to be fixed within 14 days of responding to the application by the respondent
- d. It has to be fixed within 7 days of responding to the application by the respondent.

12. Which of the following is an incorrect position of the law as regards fundamental enforcement procedures in Nigeria?

- a. Leave of the relevant court must be obtained to bring an application to enforce fundamental rights
- b. Non compliance with the rules at any stage in the course of the proceedings shall nullify the action
- c. Only a person who has suffered direct breach of his right can bring an application for fundamental rights enforcement
- d. All of the above

Ayeni Bassey has been a driver to Senator Dambaba for over 9 years. Senator Dambaba has always suspected that Bassey was stealing from him. He set a trap for Bassey to go and repair his new Range Rover Sport 2018 Model. Unknown to Bassey, the vehicle was actually in good condition having undergone a comprehensive service check by Coscharis the previous week while Bassey was not around. Bassey took the Range Rover to his usual mechanic, Iboza who helped him remove and sell the auxiliary gear sensors worth N450,000. This made the gear selector system to start malfunctioning. Bassey then reported to Senator Dambaba that N800,000 was required to repair the gear system. Furious at Bassey's level of dishonesty, Dambaba unleashed two of his Rottweiler dogs on Bassey and they bit him mercilessly. Having being subdued by the dogs, Dambaba locked Bassey in his garage against the plea of

neighbour and Bassey's wife, Mrs. Mary has approached you to enforce Bassey's fundamental rights.

Answer the following questions:

13. In which Court will you file the action?

- a. The Federal High Court
- b. The High Court of the FCT
- c. The National Industrial Court
- d. The Magistrate Court

14. The processes you have filed may be served on Senator Dambaba by any of the following except:

- a. Court Registrar
- b. Sheriff
- c. Bailiff
- d. None of the above

15. The orders the Court can make upon hearing the application does not include:

- a. Damages
- b. Apology
- c. Mandamus
- d. Injunction

1. (A) The Chief Justice of Nigeria made the Fundamental Rights Enforcement Procedures Rules. Sec. 46(3), CFRN.
2. (C) Order 1, Rule 2, FREP, 2009.
3. (D) Note the decision in the case of FUTMINNA v Olutayo, which held that in fundamental rights enforcements, both the Federal High Court and the States High Courts have concurrent jurisdiction. However, the jurisdiction of the NIC is exclusive, restricted to matters arising from employment. Also, note that despite the decision in the case above, if the matter is one arising from cases where the FHC has exclusive jurisdiction, then the State High Court will not have jurisdiction.
4. (D) Fundamental right enforcement can be commenced through writ of summons, petition, originating summons or motion.
5. (C) The documents to accompany an originating process for fundamental rights enforcement are (1) statement of facts (2) affidavit (3) written address.
6. (B) There is no time limit to bring an action for fundamental rights enforcement. Order 3, Rule 1, FREP, 2009.
7. (D) Because the cause of action leading to the arrest-money laundering-is a matter for the FHC.
8. (D) NLS' position is that the most appropriate mode of commencing action for fundamental rights enforcement is by Originating motion-motion on notice.
9. (A)
10. (B)
11. (B) Order 4, Rule 1, FREP Rules, 2009.
12. (D)

WEEK 19

FUNDAMENTAL RIGHTS ENFORCEMENT

13. (C) This is because it is an issue arising out of the cause of employment and the NIC has exclusive jurisdiction in that regard.
14. (A) The Court Registrar is not a process server.
15. (C) Mandamus is a judicial review mandating a public officer to perform his duties. It is not an order granted in an application for fundamental rights enforcement.