



**NATIONAL OPEN UNIVERSITY OF NIGERIA
14-16 AHMADU BELLO WAY, VICTORIA ISLAND, LAGOS
SCHOOL OF MANAGEMENT SCIENCES
JANUARY/FEBRUARY 2013 EXAMINATION**

INSTRUCTION: Answer five questions in all
TIME: 3 Hours
LAW OF TORT II LAW 324

- 1. Mr. Ojo has flourishing poultry supplying the community quality eggs and poultry products. His neighbour Mr. Chukwu is threatening to sue Mr. Ojo to court and asking the court to stop Mr. Ojo from operating the poultry because of the bad odour therefrom coupled with the noise coming from the crowing of cocks especially at night time which always affects him and his household. What is Mr. Chukwu's chances of success if he carries out his threat? Advice him with the aid of decided cases.**
- 2. Differentiate between public and private nuisance.**
- 3. Identified those that can be sued for private nuisance and the nature of their liability.**
- 4. Discuss the rule in the case OF RYLANDS V. FLETCHER (1866) LR 1. Exch. 265 Affirmed (1868) LR 2 H.L 330) and its application in Nigeria.**
- 5. Critically examine the master's liability for servant's tort.**
- 6. In what circumstance(s) can the master be liable for the fraud or theft of his servant?**
- 7. State the master liability to the independent contractor and the exceptions to the principle of independent contractor.**
- 8. Mr. Kofo is alleged to have defamed Mr. Olotu. Discuss the available defences available to Mr. Kofo.**
- 9. With the aid of decided cases discuss five forms and three elements of passing off.**