



NATIONAL OPEN UNIVERSITY OF NIGERIA
PLOT 91, CADASTRAL ZONE, NNAMDI AZIKWE EXPRESS
WAY, JABI - ABUJA
FACULTY OF LAW
DEPARTMENT OF PRIVATE AND PROPERTY LAW (JIL)
OCTOBER/NOVEMBER EXAMINATION 2016

COURSE CODE: LAW 344 (PPL 344)

COURSE TITLE: FAMILY LAW II

CREDIT UNIT: 4

TIME ALLOWED: 2 ½ HOURS

INSTRUCTIONS: ANSWER FOUR QUESTIONS ONLY.
QUESTION ONE IS COMPULSORY

QUESTION

1. Judicial separation means the physical separation between the husband and wife of statutory marriage as ordered by a court of competent jurisdiction. The separation of the parties is legally approved by means of a decree issued by the High Court of a State. For the periods that the decree is in force, the parties are permitted to live apart under separate roofs without being in desertion that would ordinarily be a good reason for the injured party to seek divorce. Examine this statement with respect to the following:
 - a. Grounds of Judicial Separation
 - b. Other major similarities between a petition for judicial separation and divorce are:
 - c. Effect of a Decree of Judicial Separation
 - d. Discharge of the Decree of Judicial Separation

2. The validity of every marriage contracted under the Marriage Act depends on whether or not the laid-down formalities for the celebration of the marriage have been complied with, by the parties. There are certain formalities prescribed by the Marriage Act for the celebration of a valid statutory marriage. These formalities cover some preliminary requirements and the procedures to be adopted in the actual celebration of the marriage. They are provided for under sections 7 -12 and section 21 – 29 of the Marriage Act, Cap M6, Laws of the Federation of Nigeria, 2004. Failure to comply with, or fulfil these requirements may or may not affect the validity of the marriage depending on the nature of defects occasioned by the non compliance with the requirements. As the best student in Family Law, in your class, you have been asked by your Lecturer in a tutorial

organised in preparation for your forth coming exam to give a critical discourse on the following:

- a. Meaning of procedural defects in statutory marriage
 - b. Interpretation and Application of Procedural Defects to determine the validity or otherwise of a statutory marriage.
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- 3a. Examine the nature of a will and the categories of persons that can make a will.
 - b. Discuss the types of wills that can be made by different persons.
 - c. Any Statutory Requirement in the preparation of a will.
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- 4a. Discuss in detail the system of intestate succession in Yoruba land.
 - b. Females are at a disadvantage in matters of succession in Igboland in cases of intestacy. How true is this assertion?
 - c. Discuss the system of intestate succession in Northern Nigeria.
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5. Sincerity of purpose on the part of the petitioner must be seen before a court can make an order of restitution of conjugal rights. Discuss with decided cases.
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6. Chief Mighty has filed for divorce from his Wife, Madam Mighty, who, though not opposed seeks sole custody of Tata, their 9 year old child. Chief Mighty has opposed her application stating that Tata will do better with him as he has the financial means to ensure that she gets the best education in any part of the world and is 'spoilt' with all the good things of life. He has gone on to point out that without him, Madam Mighty will not be able to maintain Tata's standard of living since she is a primary school teacher. With the aid of decided cases, discuss the paramount consideration when determining custody issues.