



**NATIONAL OPEN UNIVERSITY OF NIGERIA**  
**14-16 AHMADU BELLO WAY, VICTORIA ISLAND LAGOS**  
**SEPTEMBER/OCTOBER 2015 EXAMINATION**  
**SCHOOL OF LAW**

**COURSE CODE:** LAW 323  
**COURSE TITLE:** LAW OF TORTS I

**TIME ALLOWED:** 2 ½ HOURS

**INSTRUCTIONS:** ANSWER QUESTION ONE AND ANY OTHER THREE, QUESTION

1. Osondu and Akeremi are friends for quite sometimes, they decided to visit the bar beach in Lagos. Ekoyong and Lawal came and met Osondu and Akeremi. Akeremi ordered Chapman for themselves and they were served, Osondu and Akeremi discovered a decomposed rat tail. The last content of the drink he saw a black substance like a decomposed rat tail in the drink, two of them became sick and how to be treated in a hospital. Elucidate the form of negligence in line with Lord Atkin's test proposed in the neighbourhood principle. **Support your answer with decided cases.**
- b In Dunez (Nigeria) Ltd, V. Ogboli. "..... It is axiomatic that special damages must be strictly proved and unlike general damages where the plaintiff establishes in principle his legal entitlement to them, a trial judge must make his own assessment of the quantum of such general damages .... So far as special damages are concerned but must act strictly on the evidence before him which he accepts as establishing the amount to be awarded. Per Supreme Court of Nigeria'.  
In light of the above statement, explain six types of damages that can be awarded to a successful tort victim
- 2 [a]. What do you understand by the word Tort? Give various definitions of tort by academics and what is purpose of law of torts. List and briefly explain 7 wrongs in the law of tort.  
[b]. Discuss the 5 objectives of the law of tort in a contemporary society.
3. With aid of examples, write notes and explain the purpose of each of the following:
  - i) Assets
  - ii) Battery
  - iii) False imprisonment
4. Jeremiah had a farmland adjacent to Michael farmland. Michael trespass into Jeremiah's farmland. What are the possible defences of Jeremiah for the offence of trespass under the Law of Torts?
5. Distinguish between conversion and trespass. Support your answer with decided cases.  
(b) To be able to sustain the defence of instances, the consequences of an act are often intended but the error consists in that such result does not constitute an inversion of another legally protected interest. Discuss the operation of instance as a defence against a negligent action
6. Detinue essentially a wrongful detention of the chattel of another person and the immediate possession of which the person is entitled to. Distinguish between detinue and conversion in the law of torts and possible defence for detinue and possible remedies for detinue.