



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

**COURSE CODE: LAW 323**

**COURSE TITLE: LAW OF TORT I**

**TIME ALLOWED: 3 HOURS**

**INSTRUCTIONS: ANSWER QUESTION 1 AND ANY THREE OTHER QUESTIONS**

1. It is believed that the concept of the law of tort is complex and difficult to define, and according to KEETON, the law of Tort is said to be interlocked with other areas of law. Notwithstanding this assertion, it is certainly not devoid of its own outstanding objectives. Discuss
  
2. Pauline and her husband reside in the riverine area of Ogwasuku Village. They had lived a quiet and peaceful life until this very day when Mallam Balami led his flock for grazing towards Pauline's residence and the flock entered their compound, destroyed all the flowers and vegetation. While the heinous act was going on, Pauline walked in and saw the offensive act and raised an alarm and the before the neighbors could come over, Mallam Balami had already started beating up Pauline but the neighbors succeeded in rescuing the situation. Pauline reported the case to Bar. UGOEGO who made a petition to Area Z Police Division on allegation of Trespass and Assault and also was preparing to file a civil suit at the High Court of the State for an action in trespass and assault in order to get remedy for damages done to the compound and injury sustained by Pauline. The DPO Mr. BLOCKHEAD restrained Bar, UGOEGO from maintaining a suit in civil action on the ground that the offence of Mallam Balami constitutes both civil and criminal nature and until the criminal case is tried and dispensed with, he will not be entitled to maintain the

civil action. Advise the parties as to their rights and educate them on the position of the law in this regard.

3. WRITE short notes on the following:
  - a. Torts Protecting Economic Interests
  - b. Torts Protecting Personal Interests
  - c. Torts Protecting Property Interests
  - d. Torts Protecting Interests in Reputation
  - e. Torts Prohibiting Interference with Relationships
  - f. Difference of Tort and crime
  - g. Difference of Tort and contract
  - h. Difference of Tort and breach of trust
4. MADAM OMO OLOJA is a popular trader in Idumota who specializes in selling household utensils and her patronage has gone beyond limitation of any sort. She had enjoyed monopoly of trade until the coming of OGBENI OLOGBONLA. OGBENI OLOGBONLA heard about the huge profit that MADAM OMO OLOJA commands, and having enough resources has an industrious businessman who is always in pursuit of profit, he opened an outlet for sales of household utensils at the heart of Idumota market, very close to MADAM OMO OLOJA's shop. OGBENI OLOGBONLA in order to command more patronage, reduced the prices of his goods and many more customers patronized him while MADAM OMO OLOJA continue to loose patronage and was almost out of business for lack of sales. She has now decided to maintain a court action against OGBENI OLOGBONLA for loss of patronage with the intention to claim damages and possibly to put OGBENI OLOGBONLA out of business. As a learned student of law advice MADAM OMO OLOJA has to the likelihood of her success in maintaining the proposed suit.
5. Ade a police man attached to Area P Police division was detailed to go with junior officers to G.R.A. Ikeja at the popular Isaac Jones street to carry out a raid operation on the prostitutes who have continued to constitute themselves as nuisance to that environment every night. At the raid operation, Inspector Mojisola who was not on duty but passing by saw some of the prostitutes running away and gave them a chase and apprehended Lilian who was partially naked and standing by on the road for patronage. Inspector Mojisola wishing to question the Lilian on suspicion of prostitution took hold of Lilian's arm to detain her for the purpose of questioning her. Lilian

resisted her actions and even denied that she was a prostitute. Eventually, Lilian was released but feeling embarrassed, she decided to seek the help of a lawyer to pursue her claims on the ground of molestation and improper treatment. Consider the whole scenario and addressed the important issues therein.

6. Critically examine the definition of trespass to person vis-à-vis its classes and type and the likely remedies available to a plaintiff who has suffered any injury or loss thereto. Support your answers with judicial decisions.