



**NATIONAL OPEN UNIVERSITY OF NIGERIA**  
**14/16 AHMADU BELLO WAY, VICTORIA ISLAND, LAGOS**  
**SCHOOL OF LAW**  
**JUNE/JULY 2013 EXAMINATIONS**

**COURSE CODE: LAW344**

**COURSE TITLE: FAMILY LAW II**

**TIME ALLOWED: 3 Hours**

**INSTRUCTIONS: Answer any 5 questions. All questions carry equal marks**

**QUESTION 1**

Females are at a disadvantage in matters of succession in Igbo and Yoruba land. Discuss.

**QUESTION 2**

Discuss the rule laid down in the case *Cole v. Cole*. Also discuss the application of this rule.

**QUESTION 3**

- a. Define intestacy.
- b. Chief Obaze has 2 sons. His eldest son, Osas married a foreigner against his wishes so Chief disinherited him. In his will, he bequeathed his only house to his younger son, Otas. After he died, Osas refused to perform his burial rites according to Bini Custom and said that he had not forgiven his father for disinheriting him. Advise the parties on the provisions of statutes, case law and customary law.

**QUESTION 4**

- a. Define a will.
- b. State 3 types of wills studied by you. Substantiate your answer by giving examples and referring to the relevant cases

**QUESTION 5**

Discuss the different types of custody orders that a court can make in pursuit of the paramount interests of children.

**QUESTION 6**

Write short notes on the following:

- a. Means of the parties to a marriage
- b. Earning capacity of parties to a marriage
- c. Conduct of parties to a marriage

**QUESTION 7**

- a. Agbaka is a retired Army Captain who took early retirement at the age of 42 years and decided to go on a worldwide cruise. On the cruise he committed adultery with a member of the crew. On becoming aware of the crime committed by her husband, his wife filed a petition for divorce. In addition to it, she also prayed to the court to award maintenance of N40,000.00 per month against Agbaka in her favour. Agbaka contended that he is a pensioner and that his pension is only N45,000.00 per month. Advise the parties.
- b. Would your advice be different if Agbaka were 70 years old and permanently disabled?

**QUESTION 8**

Discuss the absolute bars to a petition for divorce.

**QUESTION 9**

With reference to relevant cases, discuss 6 ways in which adultery may be established.