



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

**COURSE CODE: LAW343**

**COURSE TITLE: FAMILY LAW I**

**TIME ALLOWED: 3 HOURS**

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

1. Mrs. No More has decided to divorce Mr. No More. Accordingly, she instructed Barrister Finito to institute proceedings on her behalf. Barrister Finito has served the divorce petition and notice of petition on Mr. No. More. He has engaged your services to represent him. Draft the acknowledgement of service.
- 2a. Leave of court is always required before any petition in respect of marriage is presented to court. Discuss with reference to statutory and judicial authorities.
- b. State the procedure for seeking leave to institute proceedings in matrimonial causes.
- 3a. With the aid of a flow chart, show the hierarchy of courts in Nigeria explaining which courts are of co-ordinate jurisdiction, superior courts and reasons for these divisions
- b. Write a short note on judicial precedent.
4. With reference to relevant examples, discuss 6 requirements for celebration of marriage under customary law in Nigeria.
5. Compare and contrast between customary marriage and marriage under Islamic law
6. Phyno went through marriage under the Marriage Act with Pepeiyé in Abuja on 21 June, 1997. on 6th July, 1998, he filed a divorce petition on the ground that in 1994, the respondent was lawfully married to Ill Bliss according to Yoruba native law and custom and that the said marriage was not dissolved until 14 August, 1997 by an Ife Customary Court which ordered that a refund of the dowry should be made to Ill Bliss. Pepeiyé contended that some time before 1996, the said Ill Bliss in contemplation of a proposed statutory marriage and unknown to her at the time, paid her father the dowry. On learning about the payment, she rejected any proposal of marriage by Ill Bliss and the whole idea of marriage between them was abandoned. So, she never gave her consent to or entered into a marriage with the said Ill Bliss. Advise the parties.
7. Advise on the following, making reference to relevant authorities:
  - a. Alhaji Sani's marriage to a 13 year old girl under Islamic Law

- b. Valentine's marriage to Venus who was already pregnant from Eros but concealed it from him
  - c. Janet and John, both 18 wish to marry in secret without consent from their parents.
  - d. Marriage between Clarus and his wife's daughter's daughter
  - e. Marriage between Ajasco and his father's sister
  - f. Marriage between a Nigerian girl and a Lebanese man
8. Too quick and Too Fast went through a form of ceremony of marriage at St. Moritz Apostolic Church, Apapa, Lagos. The Church issued them with a certificate of marriage but it was later discovered that St. Moritz Apostolic Church was not licensed for celebration of marriages.
- a. Advise the parties.
  - b. Would your answer be different if St. Moritz Apostolic Church was licensed for celebration of marriage but Too Quick had failed to give prior notice of marriage in accordance with the Marriage Act though he assured Miss Too Fast that every condition for their valid marriage has been met?
9. State 10 subheadings which may be found in a petition for dissolution of marriage and their uses.