

BOWEN UNIVERSITY
(OF THE NIGERIAN BAPTIST CONVENTION)
IWO, OSUN STATE
COLLEGE OF LAW
SECOND SEMESTER EXAMINATION, 2024/2025 ACADEMIC SESSION
COURSE CODE: PCL 304 **COURSE TITLE: LAW OF TORTS II**

INSTRUCTIONS

ATTEMPT AT LEAST ONE QUESTION FROM EACH SECTION
ATTEMPT FOUR QUESTIONS IN ALL EACH QUESTION CARRIES 17^{1/2} MARKS
TIME ALLOWED: THREE (3) HOURS

1. In 2023, Chinedu, a trader in Onitsha, had a longstanding business rivalry with Musa, another trader in the same market. Following a heated argument over alleged price undercutting, Musa reported Chinedu to the Nigerian Police, alleging that Chinedu had stolen goods worth ₦500,000 from his shop. Chinedu was arrested, detained for five days, and charged to court. After a full trial that lasted six months, the court found Chinedu not guilty, describing the prosecution as "lacking in merit and driven by malice." Chinedu, having suffered financial losses, reputational damage, and emotional distress due to the prosecution, now wants to sue Musa for malicious prosecution. **Advise Chinedu, using Nigerian case law, on the legal requirements for a successful claim of malicious prosecution. Evaluate whether his potential claim would likely succeed.**

2. In June 2024, Mr. Adeyemi, a 45-year-old engineer and the sole breadwinner of his family, was killed in a road accident along the Lagos-Ibadan Expressway. The accident occurred when a trailer belonging to Megaload Haulage Ltd, negligently driven by one of its employees, lost control and collided with Adeyemi's vehicle. Eyewitnesses confirmed that the trailer was speeding and had faulty brakes. Adeyemi left behind a wife and three children who were financially dependent on him. Since the incident, the family has suffered severe emotional and economic hardship. The wife, Mrs. Adeyemi, wishes to sue Megaload Haulage Ltd for the wrongful death of her husband. **Advise Mrs. Adeyemi on the legal remedies available to her under Nigerian law for the wrongful death of her husband. In your answer, discuss the applicable legal principles, statutory provisions, and relevant Nigerian case law.**

3. Mr. Banji Ayiola, a farmer of special species of mango, owns a field which he cultivates from year to year. Mrs. Becky Ogunde owns adjoining land where she keeps and feeds her goats. Mrs. Becky Ogunde had on several occasions, complained and demanded that Mr. Banji Ayiola stop its mango along the boundary from protruding their branches into her land. She further contended that the leaves of such strange specie of mango may not be healthy for her goats should they mistakenly feed on it. Mr. Banji Ayiola had always paid deaf ears to the concerns of Mrs. Becky Ogunde on the ground that he (Banji) has

the right to grow his mangoes the way he likes on his land. Five months after their last altercation (quarrel) on the issue. Mrs. Becky Ogunde came to his land to discover ten of his goats dead. The veterinary expert autopsy report revealed that the cause of death was the poisonous leaves of the protruded mango trees which the goats ate. Mrs. Becky Ogunde has threatened to seek legal redress in court. **What are Mrs. Becky Ogunde's chances of success if she carries out his threat? Advise her with the aid of decided cases.**

4. The Annual Osun State Judges Continuous Legal Education Conference for the year 2025 is scheduled to hold on the 30th of August 2025 at the Osun State High Court Conference Hall, Osogbo. You have been invited by the Osun State Chief Judge as one of the resource persons at the conference to discuss the topic titled, "*The Role of Judges in the Administration of Justice in Cases of Nuisance in Nigeria*". While assigning the topic to you, the Chief Judge made the following observations, "the contending issue in the tort of nuisance is striking a balance between the defendant's right to conduct himself and use his property as he pleases and the right of the plaintiff to be protected from interference in the use and enjoyment of his land, or in the exercise of rights that belong to him as a private individual or as a member of the public". In determining whether a nuisance, especially, whether a private nuisance has been committed, what is expected of a judge? **With the aid of legal authorities/decided cases, discuss the topic in the light of the observations made by the Chief Judge of Osun State.**

5. Jacko has an uncanny resemblance to the governor of his state. They walk, talk, and even dances the same way. It was no surprise that people always mistook one for the other. On entering "De La Roche Ensembles", Jacko was warmly welcomed by the shop owner, Esther who was excited at meeting such "celebrity" for the first time. When Jacko realized that Esther had mistaken him for the governor, he bought clothing and jewelry worth N3, 5000,000.00k promising to credit Esther's account as soon as he gets to the office. He autographed his complimentary card and gave it to Esther who in her frenzied state, pocketed it without taking a look whatsoever. One month later, Esther is yet to receive the promised credit alert by Jacko and is greatly devastated. **Discuss the legal issues and advise Esther.**

6. Val owns "VALLERIE'S SPOT", a popular and prestigious canteen where freshly killed bush meats are sold and the crème de la crème patronizes her. Pem also opened a bush meat restaurant which is not far from Val's just of recent selling the same product. However, Pem could not get as much patronage as she had envisaged. On Thursday morning, Pem placed an advert to give free and delicious bush meats to anyone who would come to eat in her restaurant that day. During the course of the day, Pem told anyone who cared to listen that Val always prepare frozen bush meats passing them off as freshly killed ones and then gave out printed leaflets to buttress her point. As a result, Val lost many customers which caused a drastic drop in her sales. Val later heard the accusation made against her by Pem and is very aggrieved. **With the aid of judicial and statutory authorities, identify the tort involved and advise Val.**