

COLLEGE OF LAW
BOWEN UNIVERSITY, IWO, OSUN STATE
FIRST SEMESTER EXAMINATION, 2023/2024 SESSION

COURSE CODE: PCL 307

COURSE TITLE: FAMILY LAW I

INSTRUCTIONS
ATTEMPT FOUR QUESTIONS IN ALL, INCLUDING TWO QUESTIONS
FROM EACH SECTION

EACH QUESTION CARRIES 17 ½ MARKS

TIME ALLOWED: 3 HOURS

SECTION A

1. (a) The concept family is open to several interpretations and may be defined under the wide and restricted connotations.

Drawing inspiration from the Case of OLOBA v. AKEREJA as a pedestal, explain briefly how the Supreme Court of Nigeria gave a decent burial to the definition of the concept with statutory and judicial provisions. (6 marks)

- (b) The Case of HYDE v. HYDE mirrors the classical definitions of marriage from different perspectives and popularized the concept of marriage in Nigeria.

State FIVE conditions arising from the definitions in the case above. (5 ½ marks)

- (c) Ademola and Essien are 300L Law students of City University, Ibadan. At the end of their Family Law lecture, they engaged in a heated argument in which Ademola was of the view that there is no actual age prescription for marriage under the Matrimonial Causes Act (MCA).

Discuss briefly the veracity of the above assertion with the aid of statutory provisions and case law. (6 Marks)

2. With statutory provisions and case law discuss briefly the legal issues in the following:

- (a) Bola married Adeyemi at Ibadan Marriage Registry in 2016, and after three years went to his home town, Ogbomoso, and celebrated another marriage under another system.
(6 marks)

- (b) Adesua who was married under the Marriage Act was angry with her husband and refused to consummate the marriage as she protested against her marriage to Ibrahim, claiming that her consent was not real. (6 marks)
- (c) Hadiza told Bosede that a dishonest misrepresentation by a party to a marriage under the Marriage Act is not a ground for the dissolution of the marriage. (5^{1/2} marks)
3. (a) Evaluate briefly with the aid of statutory provisions the assertion that, “ In order to successfully invalidate a marriage under the Marriage Act by a prior marriage under Native Law and Custom, a high degree of proof is necessary.” (6^{1/2} marks).
- (b) From the perspective of the principle of *lex loci*, state **FOUR** conditions that would void celebration of a marriage, citing relevant legal authorities. (6 marks)
- (c) According to Nwogugu, E. I., customary marriage is said to be polygamous in nature, yet there are essential requirements of polygamous marriage.
State **FIVE** essential requirements, supporting each with relevant statutory provisions. (5 marks)

SECTION B

4. With reference to the relevant sections of the Matrimonial Causes Act (MCA), Marriage Act (MA), and case law, appraise briefly the validity of the following marriages, stating whether they are void or voidable:
- (a) Tade and Temi got married in accordance with the Marriage Act in October 2020. There was no sexual intercourse between them before the marriage. In April 2021, Temi gave birth to a baby girl, who obviously was not a premature baby. (2^{1/2} marks)
- (b) Adebola wishes to marry her 56-year-old father-in-law. She had previously been married to his son, Aderoju, but the marriage had broken down and she had since then developed a relationship with her ex-husband's father. (2^{1/2} marks)
- (c) Susan's parents arranged a marriage for her after her sixteenth birthday. The man is a 35-year-old Engineer who is also her elder brother's employer. After being threatened to be disowned by her parents she agreed to get married, and has married the man. (2^{1/2} marks)

- (d) Adolf married Dolly, a pretty lady who is of unsound mind and therefore mentally incapable of understanding the nature of the marriage contract she entered into with Adolf. (2^{1/2} marks)
- (e) Rufus and Tina got married under the Marriage Act. Unknown to Tina, Rufus at the time they were celebrating the marriage, had a subsisting Customary Law marriage with Binta, a lady from his hometown. (2^{1/2} marks)
- (f) Beatrice got married under Customary Law to John when she was only sixteen years of age. John died in an accident, leaving Beatrice widowed at the age of 18. Beatrice who is now 20 years of age met Titus, an Engineer, and they got married at the Mapo Registry in Ibadan. (2^{1/2} marks)
- (g) Mr Taiwo got married to a lady called Theresa Koikoi, a licensed nurse, only for Taiwo to discover after the celebration of their marriage that his wife's name is not Theresa Koikoi but Susan Colley. (2^{1/2} marks)

5. With the aid of relevant judicial authorities, write succinctly on the following:

- a) Consent as an essential of a valid statutory marriage
- b) Void and voidable marriage
- c) Nature of bride price.

6. Mr. and Mrs. McCaulay got married under the Marriage Act in Lagos in May 2021. Mr. McCaulay decided to surprise his wife who was living apart from him. On getting home, he found his wife's bedroom in darkness but knew she was inside. He kept knocking and banging on the door. As a result of this banging, the door opened and he found his wife (Mrs. McCaulay) and one Elder Dele inside. Mrs. McCaulay was sitting on the bed with only a wrapper thrown carelessly around her body while Elder Dele's shirt was not properly tucked into his trousers and he did not have his shoes on. Mr. McCaulay proposes to file a petition for the dissolution of the marriage on the 15th of January, 2022 at the Court of Appeal, Nigeria on the ground of adultery. Mr. McCaulay, knowing you to be a student of Family Law, has contacted you to advise him on position of the law on his petition in the law court. **Citing relevant statutory and judicial authorities, advise Mr. McCaulay appropriately on his proposal.**